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ABRAHAM BALDWIN

ONE OF THE FOUNDERS OF THE REPUBLIC, AND
FATHER OF THE UNIVERSITY OF GEORGIA, THE
FIRST OF AMERICAN STATE UNIVERSITIES

✕

By
HENRY C. WHITE,
Professor in the University of Georgia
1926

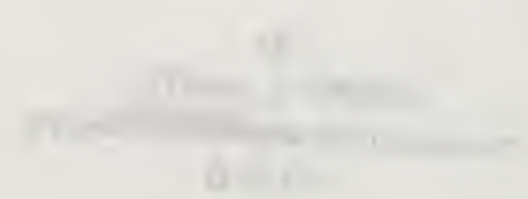
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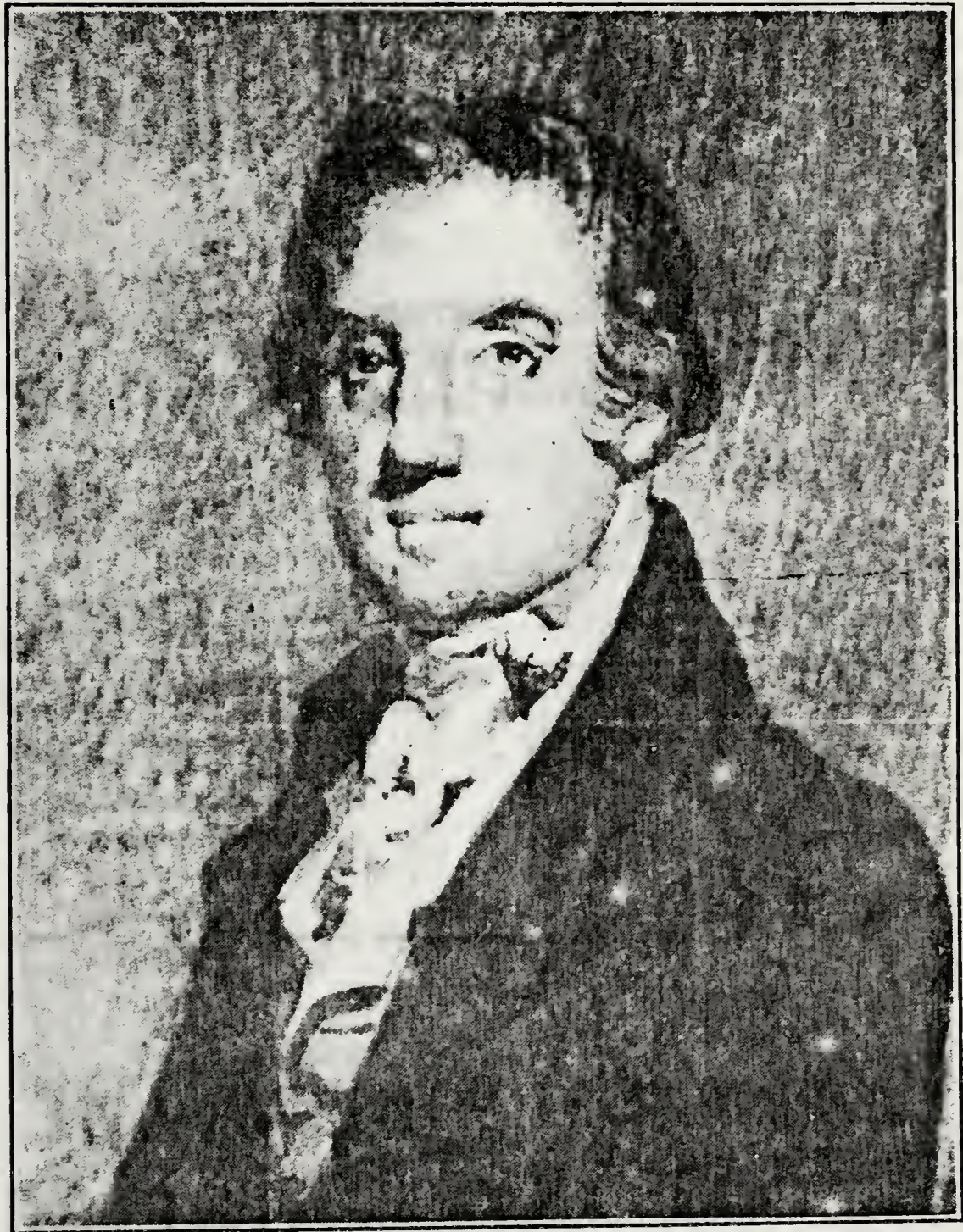
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THE UNIVERSITY OF CHICAGO

1917

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LOYAL ALUMNI, WISE COUNCILLORS, AND
GENEROUS BENEFACTORS OF THE UNI-
VERSITY; IN MEMORY OF AN UNBROKEN
FRIENDSHIP OF MANY YEARS, THIS
VOLUME IS AFFECTIONATELY INSCRIBED

PREFACE

The author of this little volume has been connected with the University of Georgia for many years. Frequently it has been suggested that he prepare some record of the history of the University, with a long period of which he has been personally associated. Only recently has opportunity been afforded—among rather absorbing occupations of other character—to give the matter consideration. Investigation disclosed that, of the early history—of the original founding—of the University, very little that was accurate had been published, and scarcely more of the great Founder of the institution, Abraham Baldwin. This, notwithstanding Baldwin was an illustrious Georgian of the immediate post-Revolution period and prominent among the statesmen who constructed the foundations of our great Republic. As preliminary to a more complete history of the University, therefore, it has been thought to be sufficient at this time to present a brief account of the Life and Times of Abraham Baldwin, as depicting the political, economic and educational conditions constituting the historical back-ground whence emerged the great system of American State Universities, of which the University of Georgia was the prototype. In this form the author ventures to believe that his work may be acceptable to the alumni and friends of the University and to many others in Georgia, and he is not without hope that it may have some small interest for the readers of American history in general.

The author wishes to disclaim (unnecessarily, perhaps) any pretension to skill as a technical historian, and, in consequence, asks the indulgence of his readers for probable deviations from the accepted canons of historical composition. He is not without experience, however, in original investigation in other fields and has endeavored to ensure accuracy in his statements of facts and reasonable interpretation thereof in his conclusions.

The authorities for the statements made are, for the most part, disclosed in the text; it has not been thought necessary to disfigure the pages with numerous foot-note citations. The author has consulted the larger number of the standard histories of the United States and of Georgia dealing with the period concerned and also a number of the technical publications of the American Historical Society. Among published works the "Literary Diary of Ezra Stiles," the "Baldwin Genealogy," the "Life and Letters of Joel Barlow" and the "Life of Josiah Meigs" have furnished intimate information concerning Baldwin; the "Annals of Congress," the "Proceedings of the Constitutional Convention," Madison's "Notes," Benton's "Debates," the Yale Register and the Colonial and Revolutionary Records of Georgia, contain the record of his public life. For opportunity to consult these publications he is indebted to the courtesy of Mr. Duncan Burnet, Librarian of the University, and his competent corps of assistants, to the Librarian of Yale University and the Librarian of Congress. To the Historical Society of Pennsylvania he is indebted

The author states in the Introduction that the purpose of the book is to provide a critical survey of the literature on the subject of the development of the human mind. The book is divided into two main parts. The first part is devoted to a survey of the literature on the subject of the development of the human mind. The second part is devoted to a survey of the literature on the subject of the development of the human mind.

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for permission to reproduce the portrait of Baldwin. For examination of unpublished material he is greatly indebted to the courtesy and assistance of Miss Ruth Blair, State Historian of Georgia and Hon. S. G. McLendon, Secretary of State, who placed at his disposal for examination the Minutes of Proceedings of the Georgia Assemblies for the years of Baldwin's membership therein, and other written documents preserved in the State Archives. He has also had access to the unpublished Minutes of the Senatus Academicus, the Board of Trustees and the Prudential Committee of the University preserved in the University Library. Mr. George J. Baldwin of Savannah and other friends in Georgia have given courteous response to requests for information. The author's friend and colleague, Dr. J. H. T. MacPherson, Professor of History and Political Science in the University (generously tolerant of an amateur invasion of his own special field) has kindly reviewed the manuscript and made valuable suggestions.

University of Georgia,
April, 1926.

CONTENTS

- CHAPTER 1. Ancestry, birth and education.
- CHAPTER 2. The Georgia Legislature.
- CHAPTER 3. The Constitutional Convention.
- CHAPTER 4. The Congress of the United States.
- CHAPTER 5. The University of Georgia.
- CHAPTER 6. Private Life, Character, Etc.

CHAPTER I.

ANCESTRY, BIRTH AND EDUCATION

Heredity, environment, training—the influences which mould the character and determine the career of the man. Much is known of each in the case of Abraham Baldwin.

I.

From a carefully compiled "Genealogy" it appears that many generations of Baldwins (under diverse orthographies) were sturdy and influential yeomen of England, with not infrequent connections with nobilities, dwelling mainly in the two counties of Bucks and Devon. Thence migrated, in the Puritan days, a number of the name to the newly settled colonies of New England. Some to "Massachusetts Bay" and they and their descendants became prominent and influential citizens of Massachusetts. Loammi Baldwin (1744-1807) of Woburn, Mass., was friend, advisor, patron and life-long correspondent of his younger fellow townsman, Benjamin Thompson (Count Rumford), and, incidentally, the originator of the "Baldwin Apple," concerning the origin and history of which a very pretty tale is told. His son, Loammi (1780-1838) was chief construction engineer of the old Middlesex canal, and a tablet erected to his memory in Woburn styles him "The Father of Civil Engineering in America."

In 1639 three Baldwin brothers (a fourth died on shipboard during the voyage) came from Devonshire Among the first settlers of Milford, situated on the north shore of Long Island Sound, some ten miles southwest of New Haven (which had been colonized in 1637).

There is no evidence of a close family connection of the Baldwins of Massachusetts Bay with those of Milford. Doubtless, they were of the same original English stock and, in later generations, the prenomem "Loammi" frequently appears among the descendants of both.

Of the three brothers one, Nathaniel, soon removed to the near-by settlement of Fairfield where he married and had, among other children, a son, Samuel, born 1655. Samuel became a man of note and plied the trade of blacksmith for the settlement. His skill became known beyond the borders of the community and, in 1675, he was invited "by vote of the town of Guilford" (some 30 miles northeast of Fairfield on the Sound, and also settled in 1639) "to work upon his trade of smithing, upon trial." The "trial" seems to have been satisfactory, as on July 15, 1676, the town granted him "one-half acre upon the Green for his smithy" with the proviso that, if he should leave, it should revert to the town "they paying him for his improvements of buildings, fences and orchards."

To Samuel, the smith, was born, in Guilford, April 15, 1691, a son, Timothy. Timothy seems to have achieved distinction in a military way as he became

known as "Ensign Timothy." He did not follow the trade of his father, however, but prospered otherwise and took residence in North Guilford, an outlying over-growth of the town, some four miles to the northward, on the river. To him was there born, on April 2, 1716, a son, Michael. Michael inherited (and perhaps enlarged upon) the military prowess (or pretensions) of his father and was known as "Lieutenant Michael." What was more important, however, he also inherited the skill (or the smithy, or both) of his grandfather Samuel, followed his trade and became in his turn, the Official Blacksmith, so to speak, of Guilford.

The craft of the smith, in the primitive New England settlements, was no lowly one. The smith was an important member and chief artizan of the community. The smithy was, of necessity, the constant resort of townsmen and country folk and, doubtless, a place for discussion and exchange of thought—in a sense a centre of culture. Michael, at any rate, was a man of character and worth. He accumulated property and, on December 7, 1749, married Lucy Dudley, whose mother, Ruth Strong, was a member of one of the leading intellectual families of New England. To them was born, as third child and second son, at North Guilford, November 2, 1754—Abraham.

II.

Many years before the advent of Abraham in the Baldwin family—as early as 1664, in fact—the numerous independent settlements on the mainland along the Sound, after many disputes, bickerings and quarrels, had agreed, more or less amicably, upon a single jurisdiction and been consolidated into the Province of Connecticut, the boundaries of which, by the close of the century, had been agreed upon pretty much as they are today. Connecticut had become practically one colony and its industries developed without local or political friction. These industries became diversified at an early date, earlier than in any other of the New England colonies. Agriculture, of course, mainly, at first. The climate of Connecticut was not harsh, though subject to rapid and extreme changes in temperature; the rain-fall was abundant and the soil in the valleys of the numerous rivers fertile. The great bulk of farming lands, however, was rough, difficult of tillage and relatively infertile. Numerous crops were cultivated, sufficient for the needs of the colonists and some for export (including tobacco of superior quality, planted since 1640), but only at the expense of constant and arduous labor, shared by the women with the men, often ill-rewarded and generally uncertain as to fruits. These hard conditions developed a thrifty, industrious, self-reliant people and the economic pressure fostered a “Yankee” ingenuity and inquisitiveness more pro-

nounced and acute than in any other of the colonies. These qualities were turned to good account in diversifying industry, utilizing the mineral, forest and other natural resources of the colony. Connecticut, it is true, ranked among the "agricultural" States as late as the middle of the 19th century, but it was the ingenuity, enterprise and industry of her sons thus developed that subsequently placed her foremost among the manufacturing States of the Union. Iron was smelted before 1700, steel made in 1768 and iron products were manufactured throughout the 18th century. Nails were exported from Connecticut before 1716. Foundries were so far developed as to furnish the greater number of the cannon cast for the War of Independence and the great chains employed to block the passage of the Hudson River came from the forges of Connecticut. Brass works were established in 1740. Tinware was manufactured as early as 1700. In 1732 the hat makers of London complained of the competition of Connecticut hats. Silk culture was introduced in 1732 and a silk factory established in 1758. Paper mills were erected in 1768. In 1745 began the manufacture of the famous "wooden clocks," trade in which soon assumed large proportions throughout the colonies. At about the same time began the production of innumerable ingenious inventions of smaller articles, as household appliances, labor-saving devices, etc., known generally as "Yankee Notions," which acquired a considerable vogue. Originally peddled from house to house and town

to town, mercantile establishments soon became necessary for marketing and distributing these rapidly increasing products. The proximity of the sea secured a fishing industry and the numerous harbors along the Sound afforded facilities for a lucrative coast-wise and sea-borne commerce (not unaccompanied, it has been maliciously hinted, by occasional ventures in smuggling). At the middle of the 18th century Connecticut probably was, relatively, the wealthiest and most prosperous of the New England colonies.

In this state of affairs it would seem there would be abundant urge and opportunity for the youth of the colony to engage, with considerable latitude of choice, in many industrial, manufacturing or commercial enterprises. And yet, of Michael Baldwin's large family, not one was directed to this course or associated with this character of occupation. Despite Michael's own occupation—at the forge (where, probably, he contributed to the fashioning, if not the invention, of many a "Yankee Notion")—whether because of the exceptional brilliancy of the children; of his own ambition; of a "stratification" which was taking place in society; or, which is most likely, because of the influence of intelligent and cultured mothers and their peoples, the Baldwin family was one of "intellectuals".

Abraham's mother, Lucy Dudley, died at the birth of her fifth child (Lucy) in 1758. Of her children, Dudley (1753), Abraham's elder and only full broth-

er, was graduated from Yale (1777), studied for the ministry but engaged in the practice of law in Fairfield. Of the three daughters, two died in infancy. Ruth (1756) married the brilliant but erratic poet and diplomat, Joel Barlow, and was his helpful and congenial companion in his literary and diplomatic labors.

On November 2, 1768, Michael took for second wife Theodora Walcot of Coventry, daughter of a family prominent in the political and religious life of the colony. Of their three sons, William (1772) died in early boyhood; Michael (1774) was graduated from Yale, migrated to Chillicothe, Ohio, practiced law, was a member of the Convention which framed the Constitution of Ohio and was Speaker of the first House of Representatives of that State. Henry (1780) was graduated from Yale, settled at Erie, Pennsylvania, was admitted to the bar and became an Associate Justice of the Supreme Court of the United States. Of the four daughters, Lucy (1770), Theodora (1777), Clarissa (1782), and Sally (1787), three married lawyers and one a distinguished officer of the army.

In 1769, a few months after his second marriage, Michael Baldwin, Sr., removed, with his family ("for the better education of the children") to New Haven and there died in 1787.

Abraham was but four years of age when his mother died, and fourteen when his father remarried. Who, during these ten years, aided Michael in the care of the

children is not known but it may be reasonably presumed it was some member of the mother's family until replaced by the second wife who was a woman of the same class and culture. For, clearly, the "atmosphere"—the immediate environment in which they were reared—was that of the home, the school and the church. Doubtless young Abraham did his "chores," as every New England boy must; "sports" may be dismissed; they were not in the category of permissive New England activities. Doubtless he often visited, and, perhaps, aided his father at the smithy and there came in contact with many of those keen, shrewd and active "Yankees" who were pushing and peddling their way to fortune and thus learned much of the thoughts, the ways and the purposes of the men who were building the colony of which he was a member. But his life at the time and his subsequent career all indicate that his chief environment was that of the "intellectuals."

New Haven was Puritan of the Puritans. The early settlers had withdrawn from Massachusetts Bay because of a suspected tendency to "liberalism" in that colony. The adjoining settlements had been founded by their co-religionists. They had established a Church State, and the "Word of God was adopted as the only rule to be attended unto in ordering ye affyres of government of this plantation;" by judicial decree it was ordered that the rule for all courts should be "ye judicial laws of God as they were delivered by Moses, till they be branched out into particulars here-

after.” The government was congregational in form and strictly Calvinistic in principle. Here originated and were first enforced the famous “blue laws” of the New England colonies. In Abraham’s youth, although, in the course of half a century the grotesque severity of the colonial laws, and the rigidity of their enforcement had been greatly mollified, the essential spirit of the Puritan still prevailed. Doubtless the home life of the Baldwins was one of decorum, gravity, obedience to the elders and strict observance of the teachings and admonitions of the church and “minister.” Affection and fellowship, no doubt, but restrained by the sternness of the religious precepts of the Calvinistic creed. Church going, of course, obligatory and frequent, with sermons and dissertations, conducive to patience, humility and self-control, if not enthusiasm.

The school, in Abraham’s day, was in a sense a *private* school in that the schoolmaster was selected and paid (as required by law) by a certain number (usually from 30 to 50) of the householders of the township. The schoolmaster was usually a product, preferably a graduate, of a college or collegiate school, and frequently an ordained minister or candidate for the ministry. The curriculum (as was the case everywhere at the time) was meagre as to content but intensive in application. The foundation was the “classics,” particularly Latin; indeed the better grade of schools were known as “Latin Schools,” some of which still exist in New England

today. As in the church of the religious life, so in the school of the intellectual, the keynote was *discipline*; to this, acquisition was subordinate and ancillary. To purposes of mental discipline the classics, through grammar and construction, were admirably adapted. English, the Mother tongue, was in a woeful state; in orthography, definition and construction. As a pedagogic instrument slight attention was given it, except so far as readings from the Bible, sermons and dissertations and translations from the classics would avail. The great English poets and essayists found little favor in New England schools. Indeed, until the publication by Noah Webster of his "Grammatical Institute of the English Language," the "speller" and "reader" of which were issued in 1783 (the great Dictionary was twenty additional years in the making) there was no authoritative or generally accepted standard of English speech in orthography or construction; in general usage there was some degree of uniformity, but of "rules" there were none. It is true the great English Dictionary of Samuel Johnson issued in 1755 but it found little acceptance in colonial schools, and Lindley Murray's Grammar was not published until 1795. Of mathematics, only the simplest elements of arithmetic.

And so, we may presume, young Baldwin was taught to fear God, revere the "Church;" obey the Scriptural injunctions as interpreted by the minister; to read, to write, to spell (indifferently, as all his contemporaries), to cipher, to recite, to declaim (by

which great store was set) and, above all, to master the beginnings of his "classics," and so was thus prepared for "college."

III.

Abraham Baldwin (aged 14) entered* Yale College in the Autumn of 1768 and was graduated (A. B.) therefrom in the Spring of 1772. For three subsequent years he studied Divinity at the college—possibly teaching school in New Haven at the same time—and was licensed to preach by the New Haven Association of Ministers, September 26, 1775. The same Autumn he was appointed Tutor in the college, which position he held until June, 1779, when he resigned to accept a permanent appointment as Chaplain in the Revolutionary forces, in which he had served irregularly since February of the previous year. This position he held until the disbanding of the troops at the end of hostilities, June 3, 1783. In the meanwhile he had prepared himself for the practice of law and was admitted to the bar at Fairfield in April, 1783.

The period of Baldwin's association with Yale, as student and tutor, was one of storm and stress in the administration of the institution. The policy of the British administration in the Puritan colonies was adverse to the establishment of "colleges" with the

* A typical "examination entrance" at the time was:
"Virgil; Aeneid 1V-174; ten lines
Tully; Begin; Ligarius.
Graec: Test: Matt.; X111-1."

power to confer degrees, etc., under control of the Dissenting churches. The Provincial Assemblies of New England granted charters, therefore, only to what were known as "collegiate schools." It may be said, however, that these gradually assumed the proportions, functions and names of true "colleges." The first "collegiate school" in Connecticut was established (1701) at Saybrook, a small town at the mouth of the Connecticut river, chief settlement of an independent Puritan colony founded by the Lords Saye and Sele and Brooke, to whom the town owed its name. Saybrook seems to have been frequently the place of meeting and warring of the various theological sects of the colony; at any rate the "Saybrook Platform," adopted in 1708 and affirming the principal tenets of the "Savoy Confession," was a sort of compromise of conflicting theological views which was accepted generally by the congregations of the colony. For some reason—perhaps, in part, because of the acrimony of the theological dissensions—the school at Saybrook did not flourish, and in 1717 it was decided to remove it to another site. A number of towns (among them Hartford) contended for the location but New Haven out-bid the others by an offer of £1600 subscribed by the congregations, the township and individuals. Curiously enough, although the church in New Haven was orthodox in the extreme, it has been noted that the teaching at Yale became more "liberal" than at Harvard, the elder institution in Massachusetts. This may have been due to the

participation of the non-church people (including many Episcopalians) in the donation which secured the location. In 1718 Elihu Yale (who was "more of an Episcopalian than anything else") gave the money for erection of the first college building and the institution thus acquired a habitation and a name.

Thomas Clap had been elected Rector (subsequently President) of Yale in 1739. His administration fell in that period when, under the influence of the preaching of George Whitefield, a curious religious excitement convulsed the colony, giving rise to the two great antagonistic sects of the "Old Lights" and "New Lights" whose bitter contentions and denunciations demoralized the churches, bewildered the community and, at last, affected the college. Because of partisanship (real or suspected) to which was added an evident gross laxity in matters of administration, President Clap was compelled to resign in 1766. The condition of the college was deplorable. Discontented and rebellious, nearly all of the students had left and, of the tutors, only two remained. No man deemed competent could be found at the time willing to undertake reconstruction. Rev. Dr. Nahptali Daggett, Professor of Divinity, was appointed Acting President and so remained until 1777 when Dr. Ezra Stiles, after long solicitation and consideration, accepted the Presidency.

It was during this period of demoralization and slow recovery that Baldwin passed the greater number of his years (1768-1779) at Yale. It might be con-

jectured that these conditions would seriously affect orderly education in the college. The danger was lessened, however, by the peculiar methods of instruction followed by Yale in common with the other New England colleges. The corps of instructors consisted of the President (or Rector) and three or more tutors. Of "Professors" there was none, except of "Divinity," whose main office was the training in Theology of candidates for the ministry, the chief purpose of the college. Each Freshman class, as it entered, was entrusted to one Tutor, who, as a rule, was its sole instructor through the Sophomore and Junior years. The Seniors were taken in charge by the President. These separate classes, moreover, were not always instructed at the college proper. If occasion required they were assembled in other localities. There is record, for instance, of Baldwin, in his tutorship, instructing a Freshman class at Fairfield and the same class, as Junior, at Glastonbury.

To whose tutorship Baldwin, as undergraduate, was entrusted is not clearly known. Timothy Dwight (who was a "stormy petrel" of Church and College) was tutor from 1771 to 1777 and became Baldwin's intimate friend and associate, but, of course, could not have been his instructor.

The curriculum generally followed is fairly well known. There were three recitation periods daily (except Saturday); a "morning hour" (before breakfast); at 11 o'clock and at 5 in the afternoon. A typical course of study was as follows:

“Freshman :

Latin (Virgil; Cicero; Tully and other texts.)
 Greek Testament
 Ward's Arithmetic
 ‘Speaking’

Sophomore (note the spelling) :

Latin (Horace and other texts)
 Greek Testament
 Louth's English Grammar
 Watt's Logic
 Guthrie's Geography
 Hammond's Algebra
 Ward's Geometry
 Holmes' Rhetoric
 Vincent's Catechism (Saturdays)
 ‘Speaking and Composition’

Junior :

Latin (Cicero and others)
 Greek Testament
 Trigonometry (Ward's and Atkinson & Wilson)
 Martin's Phil. Grammar & Philosophy
 Vincent's Catechism (Saturdays)

Senior :

Greek Testament (and, later, Hebrew and Oriental Languages)
 Locke's Human Understanding
 Walloston's Nat. Religion (‘delineated’)
 Edwards on the Will (Later discontinued because of opposition)
 Clap's Ethics.”

In addition, the Sophomores engaged in “Public Speaking” each Saturday night and the Juniors and Seniors each held a “Syllogistic Disputation” the

first Monday in each month and a "Forensic Disputation" all other Mondays and every Thursday.

The Library at Yale contained at the time perhaps 2500 volumes, mainly theological and classical, no doubt, but perhaps including the standard English poets and writers. From these, doubtless, the students drew information and inspiration for their speeches and disputations and it was probably through these exercises that they acquired a knowledge and more or less scholarly use of the Mother tongue. From the many recorded subjects of the "disputations" the following few are taken at random:

Are there any Innate Ideas?

Whether the Literature of the Antients exceeded that of the Modern.

An Diluvium Noachi universale.

Whether the whole human race will finally be saved.

Whether female Academies would be beneficial.

A Professorship of Mathematics and Natural Philosophy was established in 1770 and the Rev. Nehemiah Strong elected Professor, resigning in 1781 (the Corporation failing to provide "a living salary") and no successor was appointed until the incumbency of Timothy Dwight as President in 1795. Instruction in mathematics did not extend beyond (if, indeed, it included) the simplest elements of the Calculus. Natural Philosophy was taught by lecture, mainly devoted, it would seem, to Astronomy and Meteorology.

logy, with occasional admiring expositions of the wonderful things the ingenious Dr. Franklin was doing down in Philadelphia. The "scientific apparatus" consisted of

"A large Planetarium; two smaller do; a Cometary; a Lunarium; Air Pump; Hydrostatic Balance; Barometer; a Prism; Microscope; Telescope; Hadley's Quadrant; Theodolite; 3 pairs Globes; a small electrical apparatus; Portable Sextant; a complete set of Surveying Instruments."

The collection also contained a "very fine" Spirit Thermometer, brought from London and presented to Dr. Stiles by Dr. Franklin, but the highly prized instrument was, unhappily, broken during the hasty flight of the President from New Haven on the occasion of the "invasion" by the British in 1779.

To the modern pedagogue this curriculum may seem "narrow" and restricted but that it was educative in the true sense there can be no doubt. It developed a trained mentality; a clearness in thinking and a soundness in judgment. It has been remarked (by Dr. Thwing) that "of the men filling the highest political and judicial offices in the United States up to the end of the 19th century, Yale, of all the older colleges, had helped train the largest number." For many years Yale was chief nursery of the religious and educational missionaries who went forth to serve the churches, schools and colleges of the American States. At any rate, Baldwin evidently was, for his times, a scholarly and cultured man. He is spoken of

by those associated with him as "a good Hebrician;" "a fine Classicist;" "of excellent judgment;" "an enlightened, sensible and learned man."

Diversions evidently there were in the college of somewhat different educative character. In 1777 "Mr. Tutor Wells (olim)" laments that "college wants regulation; they have left the more solid parts of Learning and run into Plays and dramatic Exhibitions, chiefly of the comic kind and turned college into Drury Lane." (One cannot tell; perhaps they were merely essaying under-graduate presentations of the Shakespearean Drama.)

Another serious cause for controversy there was at the time. The original charter of Yale entrusted its management solely to a Board of "ministers" resident in the colony. So long as its expressed purpose was "to educate ministers in our own way," this was, perhaps, logical. But, as the institution grew and became something more than "a breeding place of ministers" discontent arose over the exclusive ministerial control. The colonial legislature made regular appropriations to the college and it was thought the lay (or political) element should have some representation in the management. During many years frequent proposals were made, both by the legislature and the Church Assemblies looking to compromise of the conflicting views. The charter was amended in 1745 but, as administered, the control remained almost exclusively ministerial. The controversy must have been somewhat acute, for, in 1766, just before Baldwin

entered college, the legislative appropriation was temporarily withdrawn and great fear was expressed by Yale men lest the appropriations and the administration of the college be transferred to Wheelock's School at Lebanon (originally established by the colony as a charity school for Indians) and it be made a "State College." This apprehension was relieved by the removal, in 1770, of the Lebanon school to New Hampshire where it became Dartmouth College. The controversy was, indeed, not settled until 1792 when certain officials of the State were added to the Board of Control.

These incidents in the history and the conditions of Yale are thought to be worthy of note in writing of Baldwin, as he, of course, had intimate knowledge of them and, doubtless, was influenced thereby when he came (in 1785) to his great work of draughting the Charter of the University of Georgia.

It is, perhaps, a question whether animosity to the Church of England (they were very apprehensive at the time of "the appointment of an American Bishop", and it was publicly declared that "Episcopacy was rather worse than the Stamp Act") was not as potent a factor in inciting the "rebellious" attitude of the New England colonists as their objections to the secular administration of the British Ministry in the matters of taxation. Stamp Acts, commercial re-

strictions, etc. Indeed, Doctor Franklin went so far as to argue, on several occasions, that the retaliatory embargo on imports might, in itself, be a very good thing in that it would tend to encourage home industries—a sort of prevision of “protective tariffs.” At any rate, the Connecticut troops which engaged in the Revolutionary struggle seem to have been animated largely by the spirit of the old Cromwellian Ironsides. Before Valley Forge and Von Steuben, zeal, rather than skill, was relied upon to win battles and that the zeal (in Connecticut) was to a large extent religious is indicated by the urgent demands for “Chaplains” of the Calvinistic faith to inspire and encourage the troops. Many of the younger ministers and candidates for the ministry of Connecticut took service, irregularly or permanently, as Chaplains in the army. Among these was Abraham Baldwin. The Official Register of Officers of the Continental Line gives his term of service from February 1, 1778 to June 3, 1783. The first few months he served irregularly, still retaining his tutorship at Yale. This he resigned on June 17, 1779 to accept a permanent commission in Gen. Parson’s Brigade; on the reorganization of the American forces in 1781 he was transferred to the Connecticut Brigade. Of his life in the army some little is known positively from a few letters (which are extant) to his brother-in-law, Joel Barlow, and from conversations with and letters to Dr. Stiles, referred to in the latter’s “Diary.” His regular duties seem to have been light; “preaching” to the

the first of these years, the United States was a young nation, and its people were full of hope and ambition. They had just won their independence from Great Britain, and they were determined to build a new nation, free from the tyranny of a king. They had a great leader, George Washington, who was a brave soldier and a wise statesman. He led the Continental Army to victory over the British in 1781, and he became the first President of the United States in 1789. The new nation was small and weak, but it was full of life and energy. It was a land of opportunity, where anyone could make his fortune. The people were hardworking and determined, and they were proud of their new nation. They were building a new way of life, and they were proud of the progress they were making. The United States was a land of freedom, where everyone had the right to life, liberty, and the pursuit of happiness. This was the American dream, and it was the foundation of the United States. The people were proud of their new nation, and they were determined to make it a great one. They were building a new way of life, and they were proud of the progress they were making. The United States was a land of freedom, where everyone had the right to life, liberty, and the pursuit of happiness. This was the American dream, and it was the foundation of the United States. The people were proud of their new nation, and they were determined to make it a great one.

troops once, and sometimes twice, each day; visiting and encouraging the men; officiating at funerals, etc. His leisure was ample. He "studied French," and later, Law. There were no military operations of consequence in Connecticut; only occasional landings from the British fleet to destroy "salt-pans" and suspected stores, with incidental burning of a few villages, but no permanent occupation by the enemy. The command to which Baldwin was attached appears to have gone not far a-field; its operations were confined chiefly to the banks of the Hudson and the vicinity of New York, and he made frequent visits to his home in New Haven and the college. He "passed through Norwalk in ruins" and wrote from White Plains giving an account of the operations of the army in that vicinity. He met, conversed, dined and associated with many of the principal leaders in the army and mentions particularly Washington, Greene and Lincoln, the latter fresh from his disastrous campaign in the South. His military rating was that of Colonel and he lived generally with the Staff at the Headquarters of the command to which he was attached. Doubtless the experience and associations of five years in the army greatly affected Baldwin and, perhaps, were partly instrumental in determining his ultimate career. He had been educated and was a candidate for the ministry. Clearly his original intent and expectation were to devote himself to that calling. He had repeatedly preached in the college chapel and elsewhere in New Haven and, of course, as Chaplain in

the army. In Jan., 1778 he declined, after consideration, an invitation to appear as a candidate for ordination to take charge of the Second Church in Hartford. In 1781 (while in the army) he was elected Professor of Divinity in Yale. This he also declined. Dr. Stiles, in the "Diary," gives terse and interesting accounts of the reasons for his election and declination. A number of men of considerable distinction had been proposed to succeed Dr. Daggett, who died Nov. 25, 1780, and their qualifications were carefully canvassed. In the final "converse" concerning those considered, on Jan. 24, 1781 it was agreed that "Mr. Baldwin was equal to both" (two prominent candidates) "collectively as to the Languages, Philosophy, Belles Letters & History and the Sciences in general; modest, prudent, judicious; well accepted at college; his Elocution good; and though young in the study of Divinity; yet judged sound and orthodox, particularly by Mr. Huntington who had lately heard him preach two sermons upon the topical subjects of Human Depravity and the Atonement; and, as he was studious from his youth up and hopefully would continue to be so, it was expected that he would become the learned Theologian." It was also considered that "he had a very happy Talent in governing Scholars & would conciliate and command respect and Become a venerable Character." It was also thought "he would be most acceptable to the public, both Pastors and People at large". Whereupon a written ballot was taken and "by unanimous vote Mr. Abraham

Baldwin was elected Professor of Divinity in Yale College."

Baldwin held this call to the Professorship in the college with which he had been connected for so many years under consideration for nearly eight months. It must have been flattering to him and, if he intended to continue in the ministry, offered congenial opportunity for service. But, on Sept. 13, 1781 he formally declined in a conference with the Corporation, of which Dr. Stiles reports: "We offered him a salary of £150 P. an. Silver. He has Colonel's pay as Chaplain in the army and lays up £350 a year and expects Captain's half-pay £72 during life; and has a prospect of settling at any time among the numerous vacancies in the churches, upon £300 settlement and £100 salary and wood. All these prospects induced him to decline our call. I believe he is also influenced by the prospect of being called, together with a Group or Cluster of Geniuses into a Literary Institution hereafter. He did not chuse to trust himself with our Corporation."

It is not likely that the financial considerations were paramount with Baldwin, and, indeed, the old Doctor seems to have suspected as much and was somewhat "peeved" thereat. A few weeks later (Feb. 16, 1782) he "rode half-way to Milford with Mr. Baldwin" and records a long conversation with him on the subject of the Professorship and of the college generally. Baldwin speaks of the general dissatisfaction with the ministerial control of the college, saying

that "the Corporation are thoroughly hated by Ministers and Civilians throughout the State" and of the "determination of the Civilians in the E. & N. parts of the State to build a new college at Hartford in case they can do nothing with the Corporation and that the Assembly can be brought to give it ample endowments." Dr. Stiles records his belief that "Mr. Dwight" (whom, no doubt, he had in mind among the "Cluster of Geniuses" referred to on a previous occasion) "had the most influence on Mr. Baldwin." Timothy Dwight was, indeed, foremost among the critics of the Corporation and it was generally understood that he had in mind the establishment of a new college such as Baldwin indicated. Being elected (in 1795) to succeed Dr. Stiles in the Presidency of Yale, however, he effected the major part of his reforms within the college itself.

Another minor indication of the trend of Baldwin's thought in educational matters is the record of a conversation with Dr. Stiles and others (Nov. 22, 1780) on the subject of forming a "Connecticut Academy of Sciences."

On declining the Professorship Baldwin turned to the study of Law, was admitted to the Bar, abandoned the ministry and shortly after his discharge from the army left Connecticut and became a resident and citizen of Georgia.

CHAPTER II.

THE GEORGIA LEGISLATURE

It is quite probable that there were specific inducements or prospects which led Baldwin to quit his native State for the far distant State of Georgia. At his age (31) and in his circumstances it could scarcely have been blind adventure. What the inducements or prospects may have been cannot be asserted with positiveness but the probabilities amount, practically, to certainty. It was stated in 1857 by a well-informed historian of Yale (C. P. Forbes: Discourse in Yale College Chapel, Nov. 22, 1857)

That Baldwin "had been invited in 1780 to remove from his native State and go to Georgia as President of the University which was then in process of establishment in that far south region. He accepted the invitation and removed from Connecticut, but, as the Georgia University did not get into actual operation for some twenty years later, he turned his mind to other things and entered upon his brilliant political career."

By whom the "invitation" was extended is not stated and the date (1780) is clearly inaccurate. By others it is stated he went "on invitation of General Greene." Recommendation, possibly, if not invitation. He had known General Greene somewhat intimately in the army. The mutual admiration of the Revolutionary hero and the people of Georgia was well-known and often expressed. In grateful remem-

brance of his brilliant campaign in the Southern States in 1781, by which Georgia was relieved of occupation by the British troops, the Legislature of Georgia, in January, 1783, granted to him the large estate of Mulberry Grove on the Savannah river, 14 miles above Savannah. Of this estate he took possession—but, apparently not until 1785—and there died, July 19, 1786. He was not in Savannah at the time of Baldwin's arrival in the State. After his visit in 1783, when he received the grant of land, he returned to Rhode Island and his next recorded visit was in August, 1784. It is quite possible that he may have advised with Baldwin concerning settlement in Georgia but there is no positive record of a specific invitation.

Lyman Hall was Governor of Georgia in 1783. His intensely patriotic sentiments and his services to the State during the Revolutionary period are well-known. He was a native of Connecticut (1724) and graduate of Yale (1747), and had settled in Georgia in 1755. He was a loyal and typical Yale man, greatly interested in religion and education. As Governor he urged the legislature to make provision for endowment of "seminaries of learning" in the State. He is known to have been in correspondence with Dr. Stiles during his governorship, and possibly with others (including Baldwin?) at an earlier date. All things considered (including Dr. Stiles' remarks about "Clusters of Geniuses") it is most probable that Baldwin removed

2001961

to Georgia with the purpose and expectation of engaging in educational work.

The exact date of his arrival in the State is not known. The usual route at that time from Connecticut to the far South was by sea from some Connecticut or Rhode Island port to Charleston. From two to four weeks were required for the voyage. As he was admitted to the bar in Fairfield in April, 1783 and discharged from the army in June it is not probable that he arrived in Georgia earlier than the latter part of the year. Augusta was then the temporary Capital of the State. There was constant and easy communication with Charleston, which, indeed, and not Savannah was the principal port. There is no evidence that Baldwin located in Savannah but several intimations that he became a resident of Augusta. The first authentic record of his appearance in Georgia is of date, Jan. 14, 1784 when the records of the House of Assembly, then meeting in Savannah, show that "Mr. Abraham Baldwin presented a petition (with two certificates) to be permitted to practice as an Attorney at Law in the Courts of this State." This petition was granted Jan. 20, 1784. It is interesting to note that, on the same day, a General Act was passed regulating the practice of law in the State, discontinuing admission by petition to the Assembly (which it would seem had been greatly abused) and requiring application to the Chief Justice and examination by him and providing, also, that "no person now a citizen of any other of the United States

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shall be allowed to make any such application until six months after he shall become a resident of this State," but with a further proviso that "nothing in this Act shall extend to affect John Skey Eustace, Oliver Lewis and Abraham Baldwin who have petitioned this House previous to the passing of this Act, to plead in the Courts of Law in this State." The next record concerning him is that, on October 22, 1784, "The Governor in Council granted 200 acres of land in Wilkes Co. to Abraham Baldwin." This grant was evidently made under the statute of Jan. 23, 1780 which provided that "every person coming from another State and settling in Wilkes Co. shall be entitled to a grant of 200 acres of land on giving security for settling the same within nine months and shall not be compelled to serve in the militia (except to defend the same) for two years." The land was duly surveyed and deed made to Baldwin. The Surveyor's plat is on file in the office of the Secretary of State. To what extent Baldwin settled upon or lived on the land is not known. The next official record is that of the Proceedings of the House of Assembly (then meeting in Savannah) that, on January 12, 1785 "Mr. Abraham Baldwin (with four others) qualified as a member from Wilkes Co." This is Baldwin's first appearance in the State Legislature.

In some of the scant biographical sketches of Baldwin it is stated that "he was elected to the legislature (from Chatham) three months after he arrived

in Georgia.” The official records do not so disclose. Nor is it probable, for the Constitution of Georgia of 1777 (then in force) prescribed for membership in the legislature (Art. VI) “The representatives shall be chosen out of the residents in each county who shall have resided at least 12 months in this State and 3 months in the county where they shall be elected.” The error has arisen, perhaps, from the fact that Abraham Baldwin was named, in the Act of Feb. 1784, one of the Trustees of the lands set apart as an endowment of a proposed “college or seminary of learning,” and was, presumably, a member of the legislature at the time. But the Trustees were not a Committee of the legislature nor necessarily taken from its membership. As a matter of fact, of the seven named, only four were members of the House.

No records have been found to indicate in what manner Baldwin was occupied from his arrival in Georgia until his appearance in the legislature. But certain conjectures seem plausible. He, most probably, came to Georgia with the intent and purpose—possibly by invitation (from Gov. Hall, perhaps)—of connecting himself with a “college” which it was expected would be established in the State. On arrival he soon made the acquaintance of the leading men in public life, and speedily secured their respect and esteem. With some, perhaps, he had been in previous correspondence; to some he may have been known by reputation; to some he probably brought letters from the men in high positions with whom he

had been associated in the army. Doubtless he was disappointed to find that the college lacked as yet the first step in its establishment. When that step was taken and, in response to the recommendation of Governor Hall, the legislature set apart lands for its endowment, he was named as one of the Trustees, although but a few months in the State. In the meanwhile, perceiving that it would be a long time before the college was actually in operation, he naturally turned to other employment for the time. He secured a license to practice his profession of the law. To what extent he actually engaged in the practice is not known. Competent lawyers were by no means numerous at the time in the upper section of the State and he may have found it moderately remunerative. He acquired the modicum of land to which he was entitled as "a person coming from another State" and became a citizen of the State and eligible to hold public office. To what extent he actually resided in Wilkes County, utilizing his grant of land, is not known but, inasmuch as he was elected to the legislature from that county, it is probable that he spent some portion of his time there and impressed himself favorably upon the large number of settlers who were rapidly occupying that region. Indeed, Wilkes county at the time was the scene of the greatest immigration into the State; the census of 1790 shows that in that year nearly one-half of the entire population of the State was resident in that county. The legislature for the year 1784 met in Savannah. It was from

this legislature that he obtained his license to practice law, and, by it, was named one of the Trustees of the college endowment. It was also there that he received from the Governor in Council his grant of land. It is most probable, therefore, that he spent some portion of his time in that city and became acquainted with the prominent men of that section of the State. It would seem clear, therefore, that, whatever else may have engaged his attention during this first year of his residence in Georgia, he was active in making acquaintance with the leading people of his adopted State. That he became favorably known to them is indicated by the important trusts committed to him by them.

Georgia, at the time, was regarded throughout the Confederation as a great State of the future. It was recognized as such in the deliberations of the Constitutional Convention in 1787. Under its charter boundaries it was already one of the largest, in territory, of the thirteen States. The immense territories contiguous to its boundaries on the north and west were sparsely occupied by Indian tribes, the native aborigines, who, the experience of the other colonies might safely promise, would speedily be dispossessed. On the south, within the disputed boundaries of the Floridas, which had experienced various conquests and "cessions" at the hands of several European Powers, was a mixed population of roving bands of fierce aborigines and straggling settlements of Spanish, French and English traders; a region for a time

under the nominal government of Great Britain but recently re-“ceded” to Spain, but clearly foreseen as destined to become part of, and to round out, the Southern boundaries of the American States. The natural resources of the State were varied and great, with a diversity of climate, for the most part salubrious and of soils, for the most part fertile. Altogether, its possibilities were such as to constitute it, in itself, an Empire. Of this, indeed, the British Ministry had not been ignorant or unappreciative. Toward the close of the Revolutionary War attempts had been made (the “*uti possidetis*”) to detach Georgia from the other colonies by claim of actual occupation and offer of some measure of independence short of separation from the English Crown. The population, at the time, was very small; a rough computation in 1787 made in the Constitutional Convention with a view to apportion representatives to the several States, gave only 27,000 whites; probably, in 1785, it was even less.

For many reasons, during the Revolutionary period the people of the State were greatly divided in sentiment as between Royalists (Tories) and Patriots and the war in Georgia was largely of the nature of a civil strife of these factions, in which, however, religious or theological antagonisms, happily, had no great part. There had been confiscation of property and attainder of person, by both sides, as one or the other was temporarily in power. The men who, at the close of the conflict, came out of it in triumphant

possession of the government, were men trained by hard service in the Forum and the Field. Their convictions were intense and their purpose determined to make of their State a free and independent Commonwealth linked fraternally to the other States of the American Confederation. Their official writs ran: "Georgia, by the Grace of God, Free, Sovereign and Independent." To effect this purpose was a mighty task amid the chaotic condition of their industries, the local bitterness of feeling engendered during the war and the incomplete organization of the simplest forms of orderly government. To these men and, indeed, the leaders were comparatively few—a man of Baldwin's character, education, training, and experience must have appealed as a probably helpful counsellor. To him, their purpose must have appealed as offering field for patriotic service. Not forgetting the purpose of his coming to the State—the promotion of education, which, indeed, he conceived to be an essential element in Statecraft—he, therefore, devoted himself with zeal and energy to the work of constructive statesmanship. It soon transpired that it was a work for which he was peculiarly fitted, and the remaining years of his life were given, mainly, to an invaluable political service to his State and Country, a service which, it may be regretfully remarked, was more conspicuous for its quality and volume than for the recognition it has received at the hands of American historians. Once only was he elected to office by popular vote, to the legislature of 1785. Shortly after he

took his seat he was appointed (Jan. 19, 1785) by the legislature a Delegate to the Continental Congress and was reappointed or "held over" until that Congress was replaced by the one under the Constitution in 1789. The Constitution of Georgia of 1777, (Art. XVI) prescribed that "the Continental Delegates shall—have a right to sit, debate and vote in the House of Assembly and be deemed a part thereof." In consequence Baldwin continued a member of the legislature without further election from a county. He "qualified" as a member from Wilkes, but the once. Detailed or intimate accounts of what transpired in the legislatures of the time are lacking. No "steno-graphic" reports, of course, were made and newspapers at the time were few in number, infrequent in issue and not very specific in their accounts of legislative proceedings. Baldwin, himself, left very few writings, practically none, and this was true throughout his entire political career. Practically, the only record available is the official Proceedings or Minutes of the legislatures, so far as these have been preserved; unhappily, some have been lost. But those extant are sufficient to tell the story. Examination of the Proceedings of the legislatures of 1785, 1786, 1787 and 1788 shows that Baldwin was a member of more of the important committees than any other member of the House; of the more important committees, he was chairman of many. Committees were not then appointed by the Speaker; nor were bills offered from the floor. The usual parliamentary practice was for

a member to move that a committee be appointed with leave to bring in a bill for designated purposes and that the committee consist of certain members who were named (generally, the mover not among them). Occasionally a member would ask leave, or be directed, to bring in a bill on a subsequent day without reference to a committee. It is, therefore difficult to determine, in most cases, the actual authorship of the measures that were presented. On many occasions, Baldwin "reported out" bills from committees of which he was not chairman and it is reasonably certain that he was sole or part author of a number of them; the bills which he, personally, asked leave, or was directed to introduce, may be assumed to have been of his authorship. As the Acts of the legislature were finally promulgated from the office of the Governor and Council the credit is generally, and naturally, given to the administration in office for the time being.

When the war had closed, with peace declared and the independence of the American States recognized, no other of the thirteen States, perhaps, was confronted with so many intricate problems demanding immediate solution, as Georgia, in the adjustment of its social and political status. Some semblance of an organized government had been erected and a Constitution adopted—by perhaps a minority; certainly by no very large majority of the people—so far back as 1777. Frequently, during the intervening years, this government had had no abiding place and this Constitution held no sway within the confines of the State.

When this government and this organic law assumed control, under nominally peaceful conditions, they were soon found to be sadly defective and inefficient in application to existing circumstances. To remedy these defects wise counsels were required, the first result of which was the adoption of a new Constitution in 1789, to be followed by a better in 1798. Even the boundaries of the State were uncertain and disputes and conflicting claims were to be adjusted with the Spanish possessions on the South, with South Carolina on the north, north-east and north-west, and the Indian tribes on the north and south-west. Disposition or restitution of confiscated property and removal of attainder or penalty of "banishment" from persons were to be provided for in numerous instances; the clamor for land on the part of a rush of incoming settlers was to be appeased by some orderly and just regulation; the industries of the people were to be encouraged and protected, proper development of the immense material resources of the State secured; new county divisions were to be created and their boundaries defined; judicial circuits were to be districted and courts and officers of the law, from the lowest to the highest, provided; the finances, including the valuation of the various issues of paper money, were to be rescued from confusion and placed upon a sound basis; taxes and imposts were to be levied with such equity as to receive approval of imperfectly organized industries and communities; new schools and academies were to be established and those existing suitably

provided for. In short, order was to be evolved from what fell not far short of chaos. Full justice has not yet been done by historians to the men who effected this first "reconstruction" of Georgia. To these and similar weighty matters the legislatures of Georgia immediately succeeding the close of the war gave zealous, wise and patriotic consideration and, in a marvelously short period of time, laid sound foundations for the growth of a great and prosperous commonwealth. In these deliberations Abraham Baldwin undoubtedly had a prominent part.

The men associated with Baldwin in the legislatures had, for the most part, been prominent and active in the political and military conflicts of the Revolution. The greater number had served in the militia or the Continental forces. The governmental machinery was that prescribed by the Constitution adopted—as has been noted—in 1777. The total number of representatives in the General Assembly (the sole legislative body) was fixed at 72, distributed among the several counties proportionately to population; the number was somewhat increased as new counties were created, but not materially until the Constitution adopted in 1789 changed entirely the character of the legislative as well as other branches of the government. As a matter of fact, however, in the Assemblies of which Baldwin was a member, rarely were more than 40 representatives in attendance at any time (Baldwin "qualified" in 1785 with "four others from Wilkes," which was entitled to 10 members).

This, notwithstanding the Constitutional requirement that the electors in the counties should vote for representatives under penalty of a fine of 5 pounds for failure to do so. The legislative records indicate that, of the number present, not more than fifty per cent took active part in the proceedings or deliberations. To this small body of men was committed the destiny of the future great commonwealth. In truth, the "reconstruction" of Georgia at the close of the war for Independence was almost of the nature of a new and original settlement. From the landing of the first English colonists under Oglethorpe at Savannah in 1733 to the expulsion of the British in 1782 was less than 50 years, scarcely more than the span of an ordinary human life. For nearly half this period a mere handful of English settlers, supplemented by occasional small additions of German Salzburgers, Moravians, Scotch Highlanders, French fugitives and a few enterprising colonists from New England, clung tenaciously to the coast, spreading southward from Savannah to within the boundaries of Florida and penetrating short distances into the interior. There they waged incessant and what must have seemed almost hopeless warfare against not only human foes—Spaniards and the aborigines—but a climate to which they were unaccustomed and unsuited, the disappointments as to the anticipated products of the soil (indigo, silk, wines, spices) and the embarrassments of impracticable laws concerning land-tenure, labor and other matters. At the end of twenty years the white

population of the entire Province was estimated at scarcely 2000 souls. It is a marvel that the settlement survived at all. With the introduction of slave labor, (1745), the conversion of the Colony into a Royal Province (1753) with some measure of self-government, and the cessation of the wars with France and Spain (1763), conditions greatly improved and the colony steadily grew in population and wealth. The Colonial history of Georgia covers but a very few pages of American history but it is a gallant record of the achievements of a dauntless race which made possible, at last, the security of the American Republic. In the meanwhile—and, indeed, what proved the salvation of the situation—individual traders had slowly made their way up the rivers and established on their banks posts for traffic with the Indians. So early as 1735 the head of navigation of the Savannah river, at the northern limit of the Coastal Plain, had been reached and an important post there established which subsequently became the town of Augusta. Under the wise and energetic administration of Sir James Wright, Royal Governor of the Province, cessions of land along the river were gradually and peacefully acquired from the Indians until by 1763, the whites were in nominal possession of the large territory extending from a point considerably north-west of Augusta, southwesterly to the Ogeechee river and thence south-easterly to the original settlements about Savannah. The traders and trappers continued their progress up the river north of Augusta, followed by

prospective settlers and consequent demand for land. Further cessions were negotiated and in 1773 the ceded lands were extended to a point nearly 80 miles north of Augusta and extending some 40 to 50 miles into the interior. This last cession was incorporated as the county of Wilkes in the Revolutionary Constitution of 1777. Entrance to Georgia was thus afforded from the northern colonies to the interior and was no longer restricted to the coast. The lands thus acquired were more fertile than those along the coast; crops were more diverse, the climate more salubrious and general conditions more healthful and attractive. Proclamations offering the lands freely and liberally to bona fide settlers were made by the Royal Governor, and subsequently by the Provisional and State authorities. The consequence was a rapid increase in population, mainly from the North, with some shifting of settlements from the Coastal Plain to the interior. In 1760 the white population numbered approximately 6,000; in 1766, 10,000 and in 1772, 18,000. Thus matters stood, in territory and approximately in population, at the outbreak and close of the War for Independence.

For more than a century before the founding of Georgia the other American colonies had increased largely and rapidly in population, chiefly from European immigration, mainly of English, Scotch and Irish. Animated by the spirit of the pioneer and the "land hunger" of the race, this population, from New England to the Carolinas, had pushed steadily westward

until further progress was barred by the great mountain ranges of the Appalachians. Shortly before the outbreak of the war a few parties of hardy and venturesome pioneers, led by such men as Boone and Clark in Virginia and Sevier and Robertson in North Carolina, had penetrated the passes of the great mountains and viewed the marvelously beautiful regions of the Middle West. Some small bodies of settlers followed in their foot-steps and laid the insecure foundations for the future great States of Kentucky and Tennessee. The great bulk of the population to the east of the mountains could not, however, brave the hardships and dangers of the mountain passes. As the numbers increased, with passage to the westward barred, the drift of migration set south-westerly among the foot-hills and through the rolling country paralleling the mountain ranges and extending south-easterly to the Fall Line of the Coastal Plain. It was mainly in this manner that the "up-country—the western parts—of the Carolinas, to some large extent of Virginia, to less extent Maryland and even Pennsylvania were settled by migrations from the more northerly colonies; to much smaller extent by direct penetration from the coast. Georgia had received some small part of this immigration immediately before the outbreak of the war. During its continuance, because of the disturbed conditions and military operations in the "up-country" of the Carolinas, it virtually ceased. At the close of the war it was renewed, and with a rush. When the Land Court was

established and opened in Augusta in 1784 it was fairly mobbed by claimants for land allotments and, without waiting for orderly issuance, the certificates were seized and appropriated indiscriminately amid scenes of violence and disorder. As may be imagined considerable confusion ensued in the matters of location and title, involving, subsequently, much trouble and litigation, but the settlers remained and occupied the land, which was plentiful, adjusting their respective contentions as best they might. By 1790 the population of the State had increased to 82,000, the greater part of which was in the "up-country," 36,000 being in Wilkes alone. The counties of the coast and lower country, the Coastal Plain, had probably actually decreased in population during the war by reason of removals, casualties, banishments, etc.; a portion was reinstated at the cessation of hostilities. This was the situation of affairs when the immediate post-war legislatures were chosen and convened. The members of the Assembly and the prominent public men of the day were, practically, all "immigrants." A very inconsiderable number were natives of the State, and this was true, although to a less extent, of those from the coast and lower counties as well as of those from the up-country. The constituencies represented by these men and the men themselves differed considerably in their characteristics. Along the coast and for some small distance inland and up the rivers conditions were approximately those of the tide-water region of the older colonies.

The industries had become fairly well organized and stabilized. Agriculture, the main industry, had radically changed in methods and purposes and provided amply for the sustenance of the population. Native grown cotton, flax and wool, with crude spinning wheels and hand looms furnished sufficient clothing for the bulk of the people. The culture of rice and tobacco for export had been found to be extremely profitable and was carried on on large plantations with slave labor. The immense forests of pine yielded for export quantities of lumber and naval stores. Necessities, not home produced, such as machinery, tools, sugar, molasses, slaves and rum (the latter two being counted as "necessities" at the time) were imported through the ocean ports together with articles contributing to luxury or culture. Through the ports also came large quantities of the miscellaneous articles used by the traders in traffic with the Indians, and through them went the "pelts" they acquired in exchange. As early as 1776 the commerce of Savannah and adjacent ports had reached quite considerable proportions. Considerable wealth had been accumulated. A number of substantial towns had been built. Not a few good schools had been established and the children of the well-to-do were frequently sent to the Northern colonies or to England for education. The ministrations of the church had become fairly regular. There was communication by sea with the outside world. Society, for the most

part, was orderly with a considerable degree of refinement and culture. Planters and merchants formed the wealthy and dominant class. The professional class—clergy, teachers, physicians, lawyers—was relatively small but efficient and influential. In the infertile “piney-woods” region of the interior were scattered small settlements of the poorer, more shiftless and indolent of the people. The ideals of the cultured classes were rather of the so-called “Cavalier” type, though not untinctured with a Puritan strain. While manners generally were gracious and polished, some of the sumptuary laws enacted by the Provisional Assemblies partook of the spirit of the “blue laws” of Connecticut. There had been some considerable difference of opinion among them on the question of separation from the Mother Country but, as the war progressed, the greater number became loyal supporters of the Patriot cause.

In the northern counties—the “up-country”—the case was different. The settlers who had recently come in such great numbers to this region were largely of the type of the “back-woods” men so vividly portrayed by Roosevelt in the “Winning of the West.” They were rough and uncouth; uncultured and unlettered; largely illiterate but far from unintelligent. They were physically strong, hardy and energetic; their manners were coarse and unpolished. Their crude “sports” of horse-racing, cock-fighting, liquor-drinking, target-shooting, militia musters, fisticuffs,

eye-gouging and nose-biting have been the subject of many humorous tales and critical observations. Indeed, so general were these rather un-amiable diversions that the legislature found it necessary, by Act of Feb. 10th, 1787, to prescribe severe penalties—even unto “death without benefit of clergy”—for those found guilty of “the savage custom of biting and gouging.” But, with it all, they possessed a large measure of the sense of humor which saved their numerous brawls from serious consequences. They were brave and venturesome. They knew the wilderness and the Indian and had gained wisdom from many contacts with both. They were almost exclusively of English, Scotch and Irish ancestry. They were neither Puritan nor Cavalier. Indeed some have considered that these “back-woods” men of the Piedmont regions were the crude founders and forerunners of the type “American.” From their stock came such forceful personalities, for instance, as Andrew Jackson and Abraham Lincoln and from them, in Georgia, were descended many who figured prominently in the subsequent history of the State. It must be confessed, however, that—granting its inherent sterling and virile qualities—the “type” remained somewhat crude for several generations. To a man they were enthusiasts for “Liberty” and during the war were loyal and active in the American cause. One is tempted to observe that there may be truth in the reflection that, while the gentlemen of

the seaboard furnished the political philosophy and much of the leadership in the War for Independence, it was the "back-woods" men of the colonies who furnished the major part of the effective military strength. It was the "back-woods" men of New England and the middle colonies who stopped Burgoyne at Saratoga in his projected "March to the Sea" by way of the Hudson, to cleave the colonies asunder. It was the "back-woods" men of Virginia, the Carolinas and Georgia who, at King's Mountain and Guilford, thrust Cornwallis back upon the sea at Yorktown, thwarting a similar attempt at cleavage from Charleston to the North-west. And Saratoga and Yorktown were decisive of the struggle.

Among the great mass of these recent settlers in upper Georgia were some few of a different type, men from the tide water sections of Virginia and the Carolinas; some, indeed, who having served with distinction in the Continental forces, were especially invited by the authorities and given liberal grants of land.

Into such an Assembly of "immigrants," representing these varied constituencies, came, in 1785, Abraham Baldwin. He was, himself, an "immigrant," probably the most recent of the lot. But he had come to Georgia seeking neither land nor fortune. He came as a missionary in the cause of education. Happily, we may well believe, his mission, for the moment, proved ill-timed. It was not abandoned but

deferred, and, in the political service to which he, perforce, was turned, he developed a genius which was of inestimable benefit to his State and Country. He was a cultured gentleman; perhaps the only—certainly one of a very few—college graduate in the Assembly. As such he was an acceptable associate to the men of the coast and the low country. On the other hand, the son of a blacksmith, he was no aristocrat. He had imbibed the political principles of the Revolution at their source—in New England and at the head-quarters of Washington and Greene. His army experience gave him knowledge and understanding of the “common people,” the militia of all degrees, and among the men of Wilkes he had lived for at least a year before he was chosen as their representative. His personality, temperament, character and attainments enabled him to command the respect, confidence and friendship of such different types of men as the younger Habershams and Houstons of Savannah and James Matthews and Elijah Clarke of the up-country. All the records indicate that, from the beginning to the end of his political career, he held the confidence of all factions, of the whole people of Georgia. There were “politicians” in those days, as well as patriots; men who sought prominent public office for the sake of the honors conferred. Concerning measures affecting the public weal there was small difference in opinion. Factions gathered about personalities, not principles. Not infrequently the

rivalries became acute. Already two of the most prominent men of the State—Gwinnett and Wells—had fallen in duel at the hands of two others equally prominent—McIntosh and Jackson—consequent upon disputes which were purely personal. Of such personal ambitions Baldwin was entirely free. At no time in his political life did he offer for any office other than that of legislator; he was never even a member of the Executive Council of his State. He was no partizan of faction and preserved the friendship of all. He was essentially the Peace Maker. On one notable occasion in this capacity he rendered the State a memorable service. Savannah had been the seat of government of the Colony, the Province and the Provisional and Revolutionary establishments. During the war the latter had been driven from place to place and even beyond the borders of the State. On the expulsion of the British in 1782 Savannah again became the Capital of the State. By 1785 the large increase in population in the upper counties, and other considerations, led to removal of the Capital to Augusta. Evidently this was not altogether pleasing to the men of Savannah and the coast. In the removal of the archives of the government certain important records were retained by the officials of Chatham county, with the approval and support of a number of very prominent and influential men, on the ground that they were of peculiar interest to the vicinage or concerned pre-Revolution affairs. The

Governor (Edward Telfair) in 1786 made peremptory demand for the records, which was refused and an acute situation developed, involving the dismissal from office of the Justices and Solicitors of the principal courts, the appointment of others (who speedily resigned), and threatening for a while the actual dismemberment of the infant State. At this juncture Baldwin intervened and persuaded the irate Governor and the contending parties to lay the whole matter before the legislature. Accordingly, at an adjourned session of the legislature on August 4, 1786, "the Honorable Abraham Baldwin and Peter Carnes Esquires, counsel in behalf of the Honorable Executive Council—respecting the suspension of several magistrates in the County of Chatham, &c., attended this House, made their statement and representation of the proceedings of the Executive referred to, and withdrew." Unfortunately, there is no record of the "statement and representation," but evidently it was conciliatory, as no action in the matter was taken by the legislature and early in November the records were surrendered to the Governor and the controversy was amicably closed.

The chief matters which engaged the attention of the Assemblies of 1784-88 were: first, details of internal organization and administration such as establishment of courts and appointment of officers; creating and defining the boundaries of counties and militia districts; organization of the militia; laying

of taxes and imposts; regulation of the currency; the encouragement of industry; and innumerable minor adjustments necessary to clear up the confusion and disorder of the war period and establish an orderly and stable society. The Constitution of 1777 was recognized as the basic organic law and by a general enactment all statutory laws in force in the "previous Province of Georgia" and preceding administrations (including the Common Law of England, especially in criminal proceedings), not repugnant to the Constitution, were continued in force, until or unless amended or repealed. The records indicate that, in all these matters, Baldwin gave active and valuable assistance. It would be tedious to particularize. His character and temperament made him a wise counsellor and his training as a lawyer served in the framing of legislation. The imperfections of the Constitution were generally recognized. On Feb. 2, 1787 Baldwin, from the Committee on the State of the Republic, reported certain amendments which were deemed advisable. The report was adopted and 500 copies ordered printed and distributed to the several counties for their approval (the method then prescribed for amending the Constitution). It does not appear that action upon this proposal was had but the substance of the amendments was incorporated in the amendments to the Constitution adopted by the convention at Louisville May 16, 1795 and subsequently in the new Constitution of 1798.

He was evidently interested in the statutes concerned with the matters of inheritance and intestate estates. The Georgia Constitution, alone among those of the American States, prohibited entail and enjoined equal distribution of estates among heirs. Baldwin was author of several statutes which made this provision effective.

One instance of his interest in the material development of the State may be noted. On Jan. 18, 1787 he introduced a resolution empowering the Governor in Council "to draw on the Tax Collector in the County of Wilkes for the sum of £500" to be paid to Benjamin and Adoniram Allan, on their agreement, with proper safeguards, "to erect, within two years, a Bloomery in the county of Wilkes for the manufacture of iron." This was probably the first proposal for the production of iron in Georgia. So far as can be learned, the "Bloomery" was not erected and even the proposed site is not now known. While fuel (wood and charcoal) was available and cheap, there are no deposits of iron ore suitable for profitable smelting in the regions of the State then occupied by the whites. Perhaps the incident indicates Baldwin's remembrance of the demonstrated value of diversified industries in his native State, Connecticut.

A second important matter was the fixing of the boundaries of the territory over which the State had jurisdiction. When their Britannic Majesties gra-

The first of these is the fact that the United States is a young nation, and that its history is a history of growth and expansion. The second is the fact that the United States is a nation of immigrants, and that its history is a history of the struggle for the rights of these immigrants. The third is the fact that the United States is a nation of free men, and that its history is a history of the struggle for the rights of these free men.

The fourth is the fact that the United States is a nation of law, and that its history is a history of the struggle for the rights of these laws. The fifth is the fact that the United States is a nation of peace, and that its history is a history of the struggle for the rights of these peace. The sixth is the fact that the United States is a nation of justice, and that its history is a history of the struggle for the rights of these justice. The seventh is the fact that the United States is a nation of liberty, and that its history is a history of the struggle for the rights of these liberty. The eighth is the fact that the United States is a nation of equality, and that its history is a history of the struggle for the rights of these equality. The ninth is the fact that the United States is a nation of unity, and that its history is a history of the struggle for the rights of these unity. The tenth is the fact that the United States is a nation of progress, and that its history is a history of the struggle for the rights of these progress.

The eleventh is the fact that the United States is a nation of hope, and that its history is a history of the struggle for the rights of these hope. The twelfth is the fact that the United States is a nation of faith, and that its history is a history of the struggle for the rights of these faith. The thirteenth is the fact that the United States is a nation of love, and that its history is a history of the struggle for the rights of these love. The fourteenth is the fact that the United States is a nation of truth, and that its history is a history of the struggle for the rights of these truth. The fifteenth is the fact that the United States is a nation of goodness, and that its history is a history of the struggle for the rights of these goodness.

ciously parcelled out the lands of the North American wilderness among their friends and suppliants, knowledge of the actual geography of the continent was very limited and inaccurate and, in the multiplicity of the patents granted, considerable confusion and over-lapping occurred. The Charter of 1663, of Charles II, superseding former grants of himself and his predecessor Charles I, granted to certain proprietors all the land lying between north latitudes 29° and $36^{\circ} 31'$ (the Virginia line), extending due West to the "South Seas," to which the name "Carolina" was given. By 1719 it had become necessary to divide this immense territory and the southern portion became South Carolina, with the status of a Royal Province. It was from this territory of the Province of South Carolina that Georgie II, in 1732, granted by charter to Oglethorpe and his associates, certain lands for the establishment of the colony of Georgia. The grant comprized the territory between the Savannah and the Altamaha rivers, extending from the head waters of each due west to the "South Seas." By 1763 Great Britain had become aware that there were other great European Powers claiming jurisdiction, by right of discovery, conquest or settlement, over large portions of the North American continent and, at the conclusion of the wars with France and Spain, by treaties with these nations, the fiction of the "South Seas" was abandoned and the western limit of British possessions fixed as "the middle of

the river Mississippi." The treaty with Spain, 1763, ceded the Floridas to Great Britain in exchange for Havana. The Gulf thus became the southern boundary of the British possessions and the northern boundary of the British Province of West Florida was fixed at 31° north latitude, extending due east from the Mississippi to the Chattahoochee river. The northern boundary of East Florida ran from the junction of the Flint river with the Chattahoochee to the head of the most southerly branch of the St. Mary's river and thence to the sea. In organizing the Province of West Florida, however, the northern boundary was extended to $32^{\circ} 28'$, the point of junction of the Yazoo river with the Mississippi. In the same year (1763) by "Royal Proclamation" there was added to Georgia additional territory of South Carolina lying between the head waters of the Altamaha and the St. Mary's, with no specific mention of the territory lying to the westward between the lines running due west from the head waters of these rivers to the Mississippi. In the treaty of 1783, acknowledging the independence of the United States, Great Britain outlined the boundaries of the territory over which she relinquished sovereignty to the Confederate States. So far as Georgia was concerned the Atlantic Ocean was the eastern boundary and the middle of the Mississippi river the western. By treaty of the same year, however, the Floridas were ceded back again to Spain and the boundary line between West

Florida and the United States was assumed to be the original line of 31° , which gave occasion for a subsequent claim of Spain to the territory as far north as $32^{\circ} 28'$, the mouth of the Yazoo river. The northern boundary of East Florida was undisputed. The General Assembly of Georgia, at its first post-war meeting in February, 1783, embodied in a formal Act the boundaries of the territory over which Georgia claimed jurisdiction by virtue of "charter and guarantee of the Articles of Confederation and treaty with His Most Christian Majesty." The ocean boundary, the Mississippi and the Florida line (31° north latitude for West Florida) were as specified in the treaty of Peace with Great Britain. The controversy which subsequently arose with Spain over the southern boundary was an international affair and was conducted by the United States as a whole, being finally adjusted by Pinckney's treaty with Spain ratified in 1795. Concerning the internal boundaries, however, there was considerable dispute between South Carolina and Georgia. South Carolina held that the immense territory claimed by Georgia south and west of the "Proclamation Line" of 1763 had never been withdrawn from her jurisdiction. The Savannah river from its mouth "to the head of said river" was the boundary fixed by the charter to Oglethorpe and his associates. Georgia claimed "to the head of the most northernly stream or fork of said river." South Carolina claimed that the "head" of the Savannah

was the confluence of the two streams, the Tugalo and the Kiowee, which together formed the Savannah. These were the disputes to be settled by the two States themselves. With the negotiations with Spain concerning the southern boundary Baldwin appears to have had no connection, but as a member of Congress at the time (1795) when Pinckney's treaty was submitted to the Senate he interested himself in its ratification. By way, however, of making some show of actual administration of the territory in dispute with Spain, on January 21, 1785, Baldwin, John Houston and Edward Telfair jointly introduced a bill (enacted Feb. 7, 1785) providing for the laying out of a "County of Bourbon" covering the territory between the mouth of the Yazoo and the 31° parallel, extending east from the Mississippi to the boundary of the lands reserved for the Indians west of the Chattahoochee, and appointing Justices of the Peace for its administration. As a matter of fact the county was never surveyed and the Justices do not appear to have assumed office. It was probably in the nature of a political gesture designed to assert a *de jure* in default of a *de facto* jurisdiction. In the matter of the South Carolina claims, however, Baldwin was evidently interested and active. The official records which have been preserved concerning the boundary disputes with South Carolina are very meagre and incomplete. So far as they disclose, the official proceedings were chronologically in the fol-

lowing order: On January 2, 1785, the Georgia Assembly appointed a Committee consisting of Abraham Baldwin, John Houston, Edward Telfair and John Habersham to "consider and report upon proceedings had in regard to the lands in dispute between Georgia and South Carolina between the Tugalo and Kiowee rivers and, if necessary, to prepare a draught and a petition to Congress to appoint a court for adjustment of the same." No report of this Committee is of record but, evidently, they preferred settlement of the matter by the States themselves rather than by appeal to Congress, for, on February 11, 1785, "the House proceeded to choice of a Commission to 'devise and adjust some means of ascertaining the northern and northeastern boundaries,' and Abraham Baldwin, Wm. Few, Gen. Elijah Clarke, John Habersham and Gen. Lachlan McIntosh were chosen. On February 19 the Governor was "ordered" to issue commissions under the great Seal of the State to the Commissioners chosen and a long and elaborate set of "Instructions" for their guidance was adopted by the House. The legislature adjourned on February 22, and there is no record of any action by this commission. On March 24, 1785, the legislature of South Carolina presented a petition to Congress in which they asserted a claim to all the territory south and west of the "Proclamation Line" of 1763, and that the "head" of the Savannah river was truly the confluence of the Tugalo and the Kiowee and asking

Congress to arrange a Court to determine the dispute with Georgia. On June 1, Congress issued notification to the legislature of Georgia of the receipt of this petition and appointed a day in the following May for a meeting of the Commissioners to be appointed by each State to adjudicate the matter. This notification, with accompanying papers was laid before the Georgia Assembly on January 13, 1786, and referred to a committee consisting of Baldwin and Wm. Few. This committee reported on January 17 and it was ordered that a committee, consisting of Messrs. Baldwin, Few and Pendleton bring in a bill incorporating their recommendations. Apparently no such bill was introduced during the then session of the legislature which was engrossed with the dispute over the Chatham county Records. In the Assembly of 1787, however, on February 2, an appropriate bill was read and "on motion of Mr. Baldwin" it was ordered that the Commissioners to be named therein should be elected by ballot, one at a time and each to receive a majority of the votes cast. On February 10 the bill was passed, appointing three Commissioners with absolute and plenary powers to settle the boundary dispute finally with a like number of Commissioners from South Carolina, the Assembly pledging itself to approve the findings of the joint Commission. John Houston, John Habersham and Gen. Lachlan McIntosh were chosen by ballot as the Commissioners from Georgia. On the same day, February 10, Baldwin

and Few, who were members of the previously created Commission, were appointed Delegates to the Constitutional Convention to be held in Philadelphia and, probably in consequence, were not chosen to serve on the boundary Commission. Gen. Elijah Clarke, another member of the former Commission, was summarily dropped, John Houston being elected in his stead. The joint Commission, meeting at Beaufort, S. C., on April 28, 1787, framed and agreed upon a "Convention" settling finally all territorial questions in dispute, which was duly ratified by the Georgia Assembly February 1, 1788. By it concession was made of Georgia's claim to the southern and western territory, and the "head" of the Savannah river was fixed as at the head of the Tugalo, which was the larger but not the "most northerly" branch, the lands between the Tugalo and the Kiowee being assigned to South Carolina. Although the official records extant are scant, tradition and some contemporary evidences indicate that the territorial controversies with South Carolina excited great public interest and, at times, became so acute as to endanger the amicable relations of the two Commonwealths. It is not underestimating the services of others to assume that Baldwin's conservative and conciliatory counsels were employed to good effect in the prominent part he played in the negotiations. It may very well be that the turbulent and mischief-making propensities (exhibited to the extent of insurrection and treason on a little later

occasion) of Gen. Elijah Clarke, who was a potent personage in the up-country adjoining the boundary lines, was responsible for some of the acrimony of the contentions. If so, the method adopted, on Baldwin's motion, for selection of the Commissioners in 1787, by which Clarke was dropped from the Commission, may have been a bit of shrewd political tactics.

When, in 1730, the British Board of Trade recommended to his Majesty George II that he graciously grant certain of his possessions in his Province of South Carolina to Oglethorpe and his associates for founding of the Colony of Georgia, it was represented in their "Report" to the Honorable Lords in Council, that "the tract of land petitioned for is, at present, entirely uninhabited except by some few Indian families." It transpired, however, that "the few Indian families" comprized a somewhat numerous population of crudely organized aboriginal communities. The experience of the Georgia colonists in dealing with the Indians was quite similar to that of the settlers of the other American colonies. Whether the aborigines held actual "ownership" of the lands, in a strict, modern, legal sense may be questioned; but they certainly held possession, for such uses as their primitive mode of life demanded. That the colonists should acquire ownership it was necessary that the Indians be dispossessed. This was accomplished by sundry successive so-called "treaties" and "cessions," whereby the whites, by mutual

pledges of amity or alliance, through gifts of goods and trinkets (of, to them, inconsiderable value) and by various other persuasive methods, received from representatives of the Indian tribes (more or less authorized to conduct the business) permission to settle upon and possess exclusively large tracts of the territory over which a shadowy jurisdiction had been conferred upon them by the English King. The territory was so large, the Indians comparatively so few, and the awe in which the white man was held by the simple "sauvages" (as they were universally called) so great that, at first, the "cessions" were made peacefully and willingly with, no doubt, advantage to both the Indians and the whites. The Indians with whom the Georgians dealt were, moreover, as a rule of peaceful and friendly disposition. Later on, the greed and cupidity of unscrupulous white men, the crafty counsels of renegade "half-breeds" and the incitement of the Indians to violence and disorder by the rival European claimants (in their own behalf)—Spanish, French and English—to the territory, led to many disputes and petty "wars" in connection with the treaties, by which the English settlers were gradually and persistently extending the occupation of the lands, terminating finally, as was to be expected and is well known, in the complete dispossession of the Indians and their forcible deportation from the State to beyond the Mississippi in 1835. Treaty-making with the Indians—at least, involving cessions of land

—was suspended during the war of the Revolution. At its close it began again with zeal, especially in the up-country where the increase in white population was greatest.

No one has, as yet, satisfactorily unravelled the tangle of "races," "tribes" and "nations" of the North American aborigine. In Georgia, those inhabiting the lower part of the State and portions of the upper country to some 75 (approximately) miles north and west of the Fall Line, were known as "Creeks," assumed to be members of a rather populous "nation" of that name settled upon or roaming over the vast territory of the Atlantic and Gulf Coastal Plain and adjacent foot-hills as far west as the Mississippi river and north around the extremities of the Appalachian mountains into what is now northern Alabama and Central and Western Tennessee. It was from various tribes of these that the "cessions" were mainly obtained in the earlier history of the State. The "Cherokees" lay to the north and west among the more mountainous regions and their lands were not coveted and secured until a later date. Baldwin had had no experience with the Indians in his native State and probably small contact with them in Georgia. He does not appear to have had any connection with the several "treaties" which were negotiated in his time and which occupied the serious and protracted attention of the legislatures and executives. But he was a humane,

just and upright man and was not silent when seeming injustice was done the Indian. On January 13, 1786, on his motion, a Committee (of which he was made Chairman) of a number of the most prominent men in the Assembly, was appointed "to inquire into the conduct of the Commissioners of this State" (who happened to be John Twiggs and Elijah Clarke) "in the late treaty with the Indians" (that of Galphinton, Nov. 12, 1785). The Committee made inquiry and duly reported; unfortunately, there is no record of the report, but on February 6, 1787, Baldwin reported from this "Committee on Indian Affairs" a bill (enacted Feb. 10, 1787) severely denouncing the violation of the treaty by encroachments of "disorderly persons, regardless of the lives and happiness of the good citizens of this State" upon the lands reserved to the Indians by the treaty and appointing a Commission of very distinguished citizens to resurvey and plainly mark the line designated by the treaty as marking the boundary of "The Indian Hunting Ground," prohibiting, under severe penalties, encroachments thereon. Nor was he less zealous in protecting the whites against unprovoked depredations by the Indians. When, in 1787, "Governor" Sevier of the ephemeral "State of Franklin" appealed to Governor Matthews of Georgia for sympathy and assistance in repelling attacks of the Creeks upon the citizens of that State on the borders of Georgia, his letters, with those of his military advisor, Major

Enholm, were laid before the Assembly and referred to a Committee consisting of Baldwin, George Walton and Thomas Fort, which introduced the bill (enacted Oct. 31, 1787) authorizing the raising of troops for "suppressing the violence of the Indians," the understanding being that they were to cooperate with the forces of Sevier and Enholm from "Franklin." During a considerable portion of the time between the introduction (January) and the enactment of this measure Baldwin was absent in attendance on the Constitutional Convention in Philadelphia. Had he been present it is probable the very severe terms of the Preamble referring to the Creeks would have been less harsh. Happily, peaceful relations with the Indians were restored without need of the troops.

For many good and sufficient reasons (admirably summarized in R. P. Brooks' excellent School "History of Georgia") the Georgia colonists were tardy in entering into the American revolt against Great Britain. The first attempts of a few small bands of "Patriots" to secure adherence of all the "parishes" of the Province to the revolutionary proceedings met with small success. Georgia did not respond, therefore, to the first call of her sister colonies for unity of action in 1774. In 1775, however, "representatives" (probably more in the sense of residents rather than as the choice of any large electorate) from all the parishes met and appointed delegates to the Second Continental Congress, in which the three attending

duly signed the Declaration of Independence in behalf of Georgia. Before the signing of the Declaration the Congress had indicated the necessity that each colony should form some sort of an independent organized government to give it the status of a "State." Accordingly a "Convention" was called, (probably by the delegates on their return from Congress) of representatives of all the parishes in 1777, at which it was "ordained and declared" that certain "rules and regulations be adopted for the future government of this State," the instrument embodying these becoming known as the "Constitution of the State of Georgia". This provided for the regular appointment of delegates to the Congress of the United States and gave adherence to the "Articles of Confederation" which was the first "Constitution" of the United States. During the stress of war the fugitive Assemblies of Georgia sent few delegates to the Congress—which indeed was somewhat fugitive itself. When peace was declared, however, Georgia met her obligations under the "Articles" more faithfully than many of her sister States. Delegates to the Congress were regularly appointed and the numerous requests and recommendations sent down to the States by the Congress in despairing efforts to maintain some semblance of a central authority in the Confederation, were met by the Georgia Assemblies with respectful consideration, and, generally, acquiescence. This loyalty to the Confederation and

keen desire to maintain the union of the States (which made Georgia so influential on a later occasion) was, unquestionably, largely due to the influence of Abraham Baldwin. He was appointed, as has been noted, Delegate to Congress, Jan. 19, 1785, two weeks after his first appearance in the legislature. The greater number of the members of the Assembly found ample work, for which they were qualified, to do in organizing and regulating the internal affairs of the State. They were content to leave its "foreign affairs," so to speak, in the hands of the few competent, by reason of experience or peculiar qualification, to handle them satisfactorily. Among these, preeminently by qualification, was Baldwin. Associated with him were generally the men who, at one time or another, had represented the State in Congress. Button Gwinnett was dead. Lyman Hall, at the expiration of his term as Governor in 1783 had retired from active public life to his plantations in Burke county (where he died in 1790). William Few, John Houston, George Walton and William Pendleton had been (or were) delegates to Congress and were now members of the Assembly. The communications received from Congress were referred to committees composed invariably of Baldwin and, as his associates, usually one or more of those named; almost invariably Baldwin made the report from the committee and introduced such legislation as was appropriate. In such manner Georgia gave consent

to many of the requests made by Congress, including granting of allotments of land to disabled soldiers and sailors of the war; giving authority to Congress to levy certain "imposts taxes on imports" (to which, as is known, all the States did not agree); making uniform the manner of appointing and providing for the compensation of delegates to Congress; to comply with the requisitions for payment of the interest on the public debt; to grant power to Congress "to regulate waste;" to secure to the subjects of France the right to transfer and settle such of their estates and properties lying within the limits of Georgia as they had acquired in accordance with "the treaty of amity and commerce between the United States and France," as requested by a note of the Chargé d'Affaires of France to Congress. The Act dealing with this last mentioned matter also contained a clause confirming the issue to Vice-Admiral the Comte d'Estaing of a grant of 20,000 acres of land, in testimony of respect for his meritorious services, the subsequent pathetic history of which is well known. Among the requests of Congress to which assent was given were two which, considering his connection with them, disclose perhaps something of Baldwin's personal sentiments and political opinions. The first was the proposed amendment to the VIIIth of the Articles of Confederation. The original article provided that for financial support of the general government requisitions (more accurately, requests, as there was

no provision for enforcement) should be made upon the several States proportionately to the value of their landed property as estimated by Congress. The amendment proposed that the requisitions should be made proportionately to population—defined to be “the whole number of white and other free citizens and inhabitants (except Indians not taxed), including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description.” It was said of this amendment on the floor of the Constitutional Convention in Philadelphia by a delegate from New Jersey, that, in it, Congress “had been ashamed to mention ‘slavery,’ and by an ingenious circumlocution had removed “slaves” from the category of “property.” This amendment, of which James Madison of Virginia was the author, had been proposed by the Congress in 1781, was ratified by the eleven necessary States and declared adopted in 1786. It was the first use of the “three-fifths” valuation of a slave in the enumeration of population. The committee to which consideration of the amendment was referred in the Georgia Assembly consisted of Baldwin, Few and Pendleton. Baldwin reported the Act giving consent which was passed February 13, 1786, apparently without dissent or serious discussion. This, seemingly, is the first recorded intimation of his sentiments on the subject of slavery, which were disclosed rather more fully in his speeches in the Constitutional Convention and in

Congress. Doubtless his convictions on the moral aspects of the question were those of the New Englander, which, indeed, were shared by many in all the other States. But during his residence in Georgia he must have become acquainted with the early history of the colony and must have learned that the institution (originally prohibited) was an economic necessity if the settlement were to survive. He must have known also that slaves in Georgia were legally protected and, as a rule, humanely treated. He may have thought, as many did, that its eventual economic value to the State was questionable. It is not known that he owned a single slave; probably he did not. But he probably shared the opinion of wise and thoughtful men in all the Southern States that immediate or sudden manumission of the large number of slaves then held in the Southern States would be disastrous to the interests and imperil the safety of both the white man and the black. Doubtless, therefore, he subscribed conscientiously and fully to the practically unanimous conviction of his fellow citizens of Georgia that the time was not ripe for consideration of a State or national policy concerning slavery, and this position he held consistently throughout his entire service in the legislature, the Constitutional Convention and in Congress. Georgia's share of the Congressional requisitions would probably have been greater under the population than under the property ratio of distribution, but this financial consideration

does not seem to have influenced the desire of the Assembly to maintain, even with sacrifice, the unity of the States.

Maryland, at last assured of the equitable disposition of the immense western territory claimed as within the boundaries of the larger States, had signed the Articles of Confederation in 1781, being thus, tardily, the last of the States so to do. The sovereignty of the United States being conceded by the Treaty of Peace with Great Britain in 1783, the disposition of the western lands became a matter of grave concern to the Congress and the States. In 1787 a request from Congress was sent down to the Assembly asking Georgia to follow the example of other large States and cede title and sovereignty over her large western domain to the United States as a whole. The matter, because of its great importance, was referred to a large committee of influential men. Baldwin was chairman and with him were associated George Walton, Wm. Osborne, Seaborn Jones and Elijah Clarke. An Act affirming a desire "of adopting every measure which can tend to promote the interests of the United States was duly reported and passed February 1, 1788, ceding to the United States all the lands claimed as belonging to Georgia lying between the Mississippi river and a line drawn from the intersection of the Chattahoochee river with the Florida border (31° north latitude) due north 140 British statute miles, then due west to the Mississippi

river, being in fact the "Country of Bourbon." As a necessary corollary a clause was inserted by which the Act of 1785, laying out the County of Bourbon, was repealed.

The reluctance of Georgia to part with her great territory in the west can readily be understood. Geographically the situation was entirely different from that of the other large States to the north which had ceded western territory. No natural obstacle of a great mountain chain separated her sea-board holdings from her western lands and she held a vast continuous domain upon which it was reasonably certain a great Empire State might ultimately be built under a single jurisdiction. Therefore, notwithstanding the desire to promote the interests of the United States "the deed of cession was very cautiously worded." In the first place, the territory proposed to be ceded was, practically, only the "County of Bourbon," a territory over which Spain also claimed jurisdiction. Georgia's cession was therefore only of lands to which she held a disputed title. To the north, extending to the boundary line of the territory recently ceded to the United States by South Carolina, was a vast territory, larger indeed than that included in the proposed Georgia cession and remaining under Georgia's jurisdiction. Moreover, certain conditions were attached to the proposed cession. It was stipulated that the United States should guarantee a republican form of government in the ceded dis-

trict; this meant, of course, that the United States should quiet the Spanish claims. Also that the United States should bear the cost of defending the State in case of war, a renewal (supererogatory and unnecessary) of the pledges of the Articles of Confederation, in view of the presence of Spain and France on Georgia's immediate borders. It was also stipulated that all water-ways in the district should be free for navigation, without local tolls, to all citizens of the United States—possibly, but not certainly, there was in mind in this connection the great question then agitating all the Southern States of the freedom of navigation of the Mississippi. In return for the cession certain credits were to be allowed Georgia for her expenditures in “quieting the minds of the Indians” as against the requisitions assessed upon Georgia by the Congress. Finally, it was stipulated that the United States should guarantee the title of Georgia to all her remaining territories as defined in her legislative Acts, treaties with the Indians and Covenant with South Carolina. After careful consideration Congress, by Act of July 15, 1788, declined to accept the cession on the grounds that the territory ceded was entirely disconnected with any other territory of the United States (which was quite true) and therefore impracticable of federal administration; that the money credits asked were too large and inequitable, and, finally, because the United States had, in no other case, guaranteed the title of a State to its

claimed territories and it would be unwise and unnecessary to do so. Congress suggested, in very well-tempered language, that if Georgia would cede all the lands west of the Chattahoochee line, extended north to the Carolina border, would modify the credit terms and omit the stipulation of title guarantee, the cession would be gladly accepted.

To what extent Baldwin contributed in framing the Act of cession can only be conjectured, but he must share responsibility for the outcome. Under the conditions then existing, the stipulations of the Act were, perhaps, not unwise nor evidence of selfish illiberality or disregard of the interests of the United States. Clearly, in the view of broad statesmanship and of patriotic vision of the future development of the United States as a nation, the restricted limitation of the ceded lands was a blunder; it might have been foreseen that Congress would reject the offer as impracticable. It should be remembered, however, that at the time, the representatives in the Assembly were engrossed in the adjustment of many serious and complex matters of internal administration which may have led them to consider the disposition of the western territory as of lesser immediate concern. (One might wish, indeed, that Elijah Clarke had not been of the committee.) Moreover, faith in the continuance of the Confederation as then constituted was not greater in Georgia than in the other States. If it is thought that Baldwin might have been of clearer vision, it must be remembered that shortly after the

appointment of the committee for consideration of the cession, he left Georgia for a rather protracted attendance upon the Constitutional Convention and the following Congress. It is rather remarkable that the counter proposition of Congress received no legislative consideration at the time, nor, indeed, for many years after. No further attention seems to have been given the matter until, in the memorable Act of January 7, 1795, disposing of the western territories to various land companies, the Act of cession, after reciting the circumstances of its passage and rejection, was declared "null and void." It was unfortunate that the cession of the western lands was not arranged satisfactorily at the outset, as it was ultimately in 1802. The retention of the lands by Georgia led to the great scandals and political dissensions connected with the so-called "Yazoo Frauds," which greatly disturbed the peace of the State in later years. If "Homer nodded" in this connection he was rudely awakened in later years, for the acrimonies connected with the settlement of the land grants were a "thorn in the flesh" of Baldwin for a good portion of his subsequent Congressional career.

The American Revolution was a *political* revolution, economic factors, it is true, contributing to its incipency and progress. It was a continuance by the American colonists of the age-long struggle of their English forbears for personal liberty as against despotism, tintured somewhat by the current 18th century philosophies of "human equality," "the

Rights of Man'' and ''Social Compact.'' The issues at stake were mainly those of civil rights and forms of government. The ''Constitutions,'' many of which were accompanied by a ''Bill of Rights,'' which were adopted by the various, more or less representative, assemblages and ''conventions'' of the revolting colonists, were strikingly similar in their political philosophies and their statements of political principles. There were some differences in the details proposed for the governmental machinery, but few went beyond the field of political ''rights'' and governmental administration. It has been seen, for instance, that Georgia was unique in incorporating in its Constitution the prohibition of entail of property, subsequently embodied in the Constitutions of all the States. So, Georgia was one of but five States (Massachusetts, Pennsylvania, New Hampshire and North Carolina the other four) in whose revolutionary constitutions any provision was made for ''education.'' As much was said of ''religion'' in all of them, perhaps the school was considered as an appanage of the Church—as, indeed, it very generally was. The pertinent Articles in the Constitutions of Massachusetts and New Hampshire were, practically, identical (except that, in the former, specific provision was made for State aid to Harvard College) and were rather effusive and general declarations to the effect that the legislatures should ''cherish the interests of literature and the sciences, public and private schools and seminaries'' and ''promote''

agriculture, art, science, commerce, trade, manufactures, charity, economy, honesty, sincerity, sobriety, etc., etc. In the case of Pennsylvania (probably inspired by Benjamin Franklin) it was more specifically provided that "a school or schools shall be established in each county—and all useful learning shall be duly encouraged and promoted in one or more universities." The North Carolina provision was a verbatim copy of that of Pennsylvania. The Georgia provision was more specific, direct and curt; "schools shall be erected in each county and supported at the general expense of the State as the legislature shall hereafter point out." At whose instance this provision was incorporated in the Constitution is not known (Lyman Hall would be a reasonable conjecture). Baldwin was, of course greatly interested in the promotion of education. It was for this that he had come to Georgia. (Incidentally, there is some evidence that he brought with him and first introduced into the State the famous "blue-back Speller," the horn-book of several generations of Georgia children, just published (1783) by his friend and associate, Noah Webster). He initiated or cooperated in much of the legislation designed to give statutory effect to the constitutional mandate. It cannot reasonably be supposed that, at the time, there was any thought or intent of establishing a system of general and universal education at public charge. The days of Horace Mann were not yet. Elementary education was provided and was expected to be pro-

vided by private or parochial schools, or, for the indigent, in charitable institutions conducted at private cost. In the long list of those attainted of treason in the Act of March 31, 1780, the names of several designated as "schoolmasters" appear. The "school" as a public institution had not then the comprehensive meaning of modern times. It is true that the word in the Georgia Constitution was susceptible, perhaps, of some such construction and, indeed, some years later a number of "free schools" of elementary grade were established by the State, but the attendance was restricted to paupers and they were known as "poor schools," the patent incongruity of which, in a Democracy, soon led to their abolition. To Baldwin and the men of his day a public school, at public cost, most probably was conceived to be an institution of rather higher learning, of secondary grade, of the nature of the "public schools" of England, of the academies established in Philadelphia by Franklin, or the "collegiate" or Latin schools of New England. At any rate, his interest was enlisted in the establishment of "academies" or "seminaries" at several points in the State. The Chatham Academy grew out of the abandoned "Bethesda Orphanage" founded by George Whitefield and James Habersham in early colonial times. Baldwin assisted in its organization and in securing for its endowment public lands and monies received from the sale of confiscated property. The Richmond Academy was founded at the time of the laying out of the town of Augusta in

1783 and was, likewise, endowed with land and the proceeds from confiscated estates. Of this Academy, Baldwin was appointed a member of its Board of Trustees, in 1786, indicating, incidentally, that he was at that time a resident of Augusta, as the Trustees of the several academies were always citizens of the locality. The Act of 1783 gave authority for the erection of similar academies in the town of Washington, in Wilkes, and Waynesboro, in Burke, providing similar endowments. In 1786 the Academy at Sunbury, in Liberty county, with similar provisions for support was created; and in 1788 one at Brunswick in Glynn county. With all these movements Baldwin was closely associated and evidently deeply interested in them. As will be seen later, his plan was to coordinate all these academies for secondary education in his great scheme of the University.

If somewhat neglectful of "education," in the matter of "religion" the declarations of the revolting colonists were unanimously emphatic. Indeed this was the culmination of the age in which religion and state-craft were closely interwoven. The union or separation of Church and State were acute and vital political questions. With one solitary and notable exception—the Constitution of the United States—in all the important American State papers of the time assertions are made of religious faith and stress laid upon religious observance. "Religious liberty" is proclaimed as part and parcel of political freedom. It is true that the acts of the colonists did not quite

square with their protestations. As a matter of fact, true, genuine "religious liberty" was not provided for nor enjoyed in any of the colonies turned States. In some cases—in the constitutions of the States—the departure from the ideal is extreme and, indeed, ludicrous. In other cases—as in the Charter of the University—religion and morality (as distinct virtues) are both enjoined, and, for the most part, "religion" is conceived as a matter of faith, not works, and "religious observances" mandatory under the forms of some ecclesiastical organization. "Theology," perhaps, rather than religion, but it was mightily stressed. The provisions in the Georgia Constitution (of 1777) were much more conservative than most. In Article LVI, "All persons whatever shall have the free exercise of their religion, provided it be not repugnant to the peace and safety of the State, and shall not, except by consent, support any teacher or teachers except those of their own profession." The shade of ambiguity here may have been occasioned by the prevailing relation of the church to the school. But—Article VI—"The representatives (in the Assembly)—shall be of the protestant religion;" and in Article LXII—"No clergyman of any denomination shall be allowed a seat in the legislature." Neither of these provisions was retained in the Constitution of 1798, but in their stead was incorporated an article granting in the fullest degree freedom of religious worship and prohibiting absolutely any connection of the State with "any religious society" or

curtailment of any "civil right" on account of "religious principles." A number of the Georgia statutes of the time, dealing with various matters, premised a belief in God or a Divine Spirit and were devout in expressions of gratitude for the "Divine guidance" by which the liberties of the colonists were achieved, and fervent in expressions of religious faith. But, here again, the conduct of the masses of the people did not square with the professions of their legislators. It is agreed by all the historians of Georgia that at the time, "religion languished and morality declined," and "licentiousness was widely prevalent" (Stevens). The cause of this unhappy situation was conceived to be partly "the relaxation of civil order," but mainly "the absence of the preaching of the Holy Gospel." The mal-administration, in ecclesiastical matters, of the Church of England in the American colonies is familiar history. In Georgia, where, as a Royal Province, the Church was "established" the history was peculiarly unfortunate. The incumbents of the parishes had been, in many cases, incompetent or unworthy men, or, as supporters of the Royal cause in the Revolution, were not in favor with their parishioners and had left the country. Even the magnetic personality and eloquent preaching of John Wesley, Rector of Christ Church in Savannah, appear to have contributed rather to schism in the Establishment than to rectitude in the laity, and he had remained but a short time in the colony. Probably the powerful and passionate plead-

ings of George Whitefield, despite his unselfish zeal in charity and benevolence, conduced more to theological dissensions than to righteousness in living, as was the case in his ministrations in New England at a later day. Doubtless there were many earnest expounders of the faith and exemplars of right living, striving to maintain some semblance of religious observance in all parts of the State, but church organizations had, for the most part, practically disappeared and the essential forms of religious worship were deplorably lacking. So serious was the situation that Governor Lyman Hall, on February 26, 1783, moved the legislature to adopt and proclaim a Preamble and Resolution, citing the disrepair of the churches and the neglect of public worship and recommending that, on a day fixed, the inhabitants of the several counties meet and "elect and choose fit and discreet persons for vestrymen and church-wardens and other officers for their respective churches." One cannot but admire the wisdom and tact of Governor Hall in the wording of this Resolution. Himself not a Churchman, but a Congregationalist, he saw the advisability of reestablishing public worship upon the foundations previously existing, which were mainly those conforming to the usage of the English Church with its "vestrymen and church-wardens," suggesting, however, the choice of "other officers" where a different church organization existed. The appeal met with gratifying response in the older counties of the State; in the up-country it appears to have been but little

heeded. Exhibiting his interest in religious matters, Baldwin followed the lead of Governor Hall and proposed a quite remarkable remedy for the evils of irreligion, which seem to have increased. He introduced a Bill in the Assembly of 1785 "For the regular establishment and support of the public duties of religion." Premising that "the Knowledge and practise of the principles of the Christian Religion tends greatly to make good Members of Society as well as good Men" and that "the citizens of this State should be induced by inclination, furnished with opportunity and favored by Law to render public religious honors to the Supreme Being," the bill provided that "of the public tax paid into the Treasury of the State—four pence on every hundred Pounds valuation of property—shall be set apart for the county from which it was received—for the support of religion within such county." "Congregations" were authorized to be organized in each county by "the heads of families" (not less than thirty, unless the population be so large that more than one "Parish" is desired), which shall choose "a Minister of the Gospel of approved Piety and Learning" who shall "on every Sunday publicly explain and Inculcate the great doctrines and precepts of the Christian Religion" and to whom shall be paid the amount accruing to the county from the tax laid "for the support of religion." It was also provided that "all the different sects and Denominations of the Christian religion shall have free and equal liberty and Tolerance in the exercise of their

Religion within the State.” Curiously enough, the bill passed, apparently without dissent, and became an Act, approved February 21, 1785. Baldwin had probably no deliberate intent to impose upon Georgia a tax-supported New England Congregationalism—for such would have been the effect of the Act; in his zeal to promote public religious observance he probably adopted the method he knew to be efficacious in his native State. At any rate, nothing seems to have come of his proposal. There is no evidence that the tax was, at any time, set aside or appropriated as the Act directed. In Watkins’ Digest of the Laws of Georgia (1799) the caption only of the Act is quoted with the remark “Repugnant to the form of our government.” If, when, and how the “repugnance” (which is quite obvious) was judicially established is not known. Lacking judicial decision it probably still stands on the statute books as among the “obsolete” laws of Georgia, unless, indeed, automatically repealed by adoption of the Constitution of 1798.

Illustrating again his interest in the intellectual welfare and progress of the State, Baldwin introduced a Bill (enacted Feb. 3, 1786) “For the encouragement of Literature and Genius.” This was a “copyright” law, designed to “secure to every author the profits that may arise from the sale of his works,” etc. Before the Revolution the English statute in the matter of copyright, (which dated back only to 1709), governed in the colonies and was administered from London. When the States became

independent Noah Webster drew a copyright law embodying, but somewhat modifying, the main features of the English statute, providing protection for a period of fourteen years, with a subsequent period of the same length under certain conditions, giving numerous details of administration, and submitted it to the legislatures of the several States. This was the Act (under Webster's caption) that was presented by Baldwin. The Act was passed by Connecticut in January, by Massachusetts in March and by New Jersey in May, 1783; by Virginia in 1785, by Georgia in 1786 and by New York later in the same year. Georgia was thus the fifth and one of the few of the States to give consideration (at Baldwin's instance) to this interesting matter. The Constitution of the United States, adopted in 1789, delegated control of copyright to the Federal Congress and a Federal Statute, practically the original proposal of Webster, was adopted in 1790; the Georgia law, in consequence, became inoperative.

This review of the legislative proceedings of the Assemblies of which Baldwin was a member evidences beyond question that, aside from and in addition to his great work of founding the University, Baldwin was an active and important contributor to the building of the State.

CHAPTER III.

THE CONSTITUTIONAL CONVENTION

It is, doubtless, too much to assert that Abraham Baldwin was the "Father of the Constitution," as claimed by an admiring biographer and kinsman (Joel Barlow), and it cannot be strictly true that the "original manuscript" of the Constitution was found among his papers after his death (Miss Ridgeley); but examination and reasonable interpretation of the Proceedings of the Convention and the "Notes" reported by Madison would seem to justify his assignment to a prominent and honorable place among the great "Founders of the Republic."

Georgia, apparently, gave no consideration to the invitation of the Governor and legislature of Virginia to appoint Commissioners to the abortive Annapolis Convention of September, 1786. To the communication (proposed, it is understood, by Alexander Hamilton) from this Convention addressed to the Executives of the several States (and to Congress), suggesting the appointment of commissioners to a Convention to be held in Philadelphia in May, 1787, "to devise such further provisions as shall appear to them necessary to render the constitution of the Federal government adequate to the exigencies of the Union," the Georgia Assembly responded promptly and on February 10, 1787, appointed as Deputies to the proposed Convention the then Delegates in Congress, Abraham

Baldwin, William Few, William Houston, William Pierce, George Walton and Nathaniel Pendleton. Individual commissions under the Great Seal of the State were issued (unnecessarily) to Few, Pierce and Houston; to the others, not; the "Ordinance" of the Assembly, in which the Deputies were named was sufficient credential. Messrs. Few and Pierce were, at the time, in attendance on the Congress in session in New York. The Annapolis communication was laid before Congress on February 21, 1787, and referred to a "Grand Committee" consisting of a member from each State (Wm. Few representing Georgia) which reported the same day a Resolution to the effect that Congress "entirely coincided" as to the "inefficiency of the Federal government" and the necessity of devising "such further provisions as shall render the same adequate to the exigencies of the Union" and recommending that the several legislatures send delegates to the proposed Philadelphia Convention. Perhaps, on reflection, the Congress considered the Resolution as reported approached too nearly an actual abdication on the part of the existing government. The delegates from New York therefore proposed a substitute in pursuance of "instructions of their constituents," recommending that a Convention be held "for the purpose of revising the Articles of Confederation and reporting to the Congress and the States such alterations and amendments as shall be judged to be proper and necessary to render them adequate to the preservation and support of the Union." The

substitute was, at first negatived; Mass., N. Y., and Va.,—Aye; N. J., Penna., N. C., S. C.,—no; and Ga. was “divided”. Wm. Few, who was an able, wise and experienced legislator, voted Aye; Major Pierce (he had been on the staff of General Greene during the war), who was a good-natured, ardent and consistent “revolutionist,” voted No. Further debate ensued and finally the New York proposition, modified by the delegates from Massachusetts to read “for the sole and express purpose of revising the Articles of Confederation,” etc., requiring approval by Congress and the States of proposed alterations and amendments before they should become effective, was unanimously adopted. It may be, as is thought by a recent writer (Beck), that this conservative action by the Congress indicated that “this impotent body thus vainly attempted to cling to the pitiful shadow of its authority by stating that the proposed constitutional convention should merely revise the worthless ‘Articles of Confederation’ and that such amendments should not have validity until adopted by Congress as well as by the people of the several States.” On the other hand there may have been a genuine and well-founded fear that actual or apparent abdication of the existing government might lead to disturbance and anarchy. The Annapolis communication, indeed, had recommended approval by Congress and the States of any action of the proposed convention. Wm. Few, of Georgia, at least, who supported the Congressional proposition, had exhibited through-

out a long and honorable legislative career great wisdom and patriotism without taint of personal greed of power. At any rate, it was of no great consequence. Seven of the States (Va., N. J., Penn., N. C., N. H., Del., and Ga., in the order named) had appointed their Deputies with instructions conforming to the Annapolis communication, before Congress had acted. N. Y., S. C., Mass., Conn., and Md., followed; but only in the cases of N. Y. and Mass. were the deputies limited to the "sole and express purpose of revising the Articles of Confederation." Connecticut indicated "the purpose mentioned in the Act of Congress;" South Carolina "devising and discussing" alterations, etc., and Maryland "revising the Federal system,"—all, however, requiring report to the Congress and the several legislatures for approval.

The number of Deputies appointed by the several States varied: N. H., 4; Mass., 5; Conn., 3; N. Y., 3; N. J., 4; Penn. 8; Del. 5; Md. 5; Va., 7; N. C., 5; S. C., 5; Ga., 6. The minimum number authorized to represent the State in the Convention also varied: N. H., 2; Mass., 3; Conn. 1 ("in case of sickness or accident"); N. Y., not indicated, probably the three appointed; N. J., 3; Penn., 4; Del., 3; Md., "such as shall attend;" Va., 3; N. C., 3; S. C., 2; Ga., 2. It was evidently expected that the States should vote as States, not the deputies as individuals, and this was the rule of order adopted by the Convention (provided the State should be "fully represented") although there was some preliminary disposition on

the part of the larger States to prescribe a different procedure.

On the formal opening of the Convention (a quorum of seven States being secured) May 25, 1787, Wm. Few was present from Georgia; Wm. Pierce took his seat May 31; Wm. Houston June 1, and Abraham Baldwin June 11, the latter having been detained in Georgia by business in the legislature. As no roll-calls of attendance were kept, the actual attendance of the individual deputies cannot be stated positively. Careful scrutiny of the Proceedings and of the votes recorded (particularly when the vote of the State was divided, in which case the deputies were named) indicate that Baldwin was in constant attendance; he said as much, indeed, on his death bed. Maj. Pierce, after an invaluable, unique contribution to American Biography in his delightfully frank and humorous (if somewhat inaccurate) "Sketches" of his fellow deputies, soon tired of the Convention and went back to the Congress in session in New York, returning occasionally to Philadelphia for a few days. Few and Houston were each absent for considerable periods but never both at the same time, thus keeping Georgia's representation intact on the floor of the Convention. Randolph's "Plan" for a proposed Constitution was presented to the Convention on May 29, and considered, as in Committee of the Whole, until June 11, (the day Baldwin arrived) and reported to the Convention June 13. Messrs. Few and Pierce appear to have returned to New York at

this time, leaving Baldwin and Houston to represent the State. Consideration in the Convention continued until July 26 when, all the Articles having been discussed, amended, etc., the whole was referred to a Grand Committee for proper adjustments and the Convention adjourned until August 6. Houston returned to Georgia at this time and Few rejoined Baldwin in Philadelphia, the two remaining until the close of the Convention and signing the Constitution, in behalf of Georgia, on September 17. The two other deputies from Georgia, Walton and Pendleton, did not attend at any time.

It seems quite clear, therefore, that such influence as Georgia possessed in the Convention was largely wielded by Abraham Baldwin. It is very probable that this influence was much greater than has been generally recognized. The prime necessity of the situation, of course, was that the States should be kept united and the numerous compromises and agreements proposed had this in view. Frequently, during the proceedings, there was danger that the Confederation might go to pieces with the probable formation within the territory of the United States of a number of more or less independent States or nations. And yet, each individual State, from the standpoint of its own interest, must have viewed such a contingency with alarm. Considering the foreign situation and internal rivalries, it must have been clear that the States—like the signers of the Declaration of Independence,—must “hang together or be hanged sepa-

rately.” The situation of Georgia was, however, somewhat peculiar. A frontier State, her immense territory (still held intact) abutting upon the possessions of two great European Powers, whose rivalries might conceivably be so manipulated as to secure her own tranquility; with enormous material resources; with established ports and a rapidly increasing population; if need were and she was called upon to sacrifice what she considered her essential interests, she was better fitted, perhaps, to reaffirm her declaration “by the Grace of God, Free, Sovereign and Independent” than other of the thirteen States,—a sort of “*uti possidetes*” from an entirely different angle. On the floor of the Convention she spoke with the voice of Empire, although until quite recently but a comparatively insignificant Province. Not often does anything of this appear, except by veiled indirection, in the speeches made in the Convention; but that Georgia wielded an influence disproportionate to her population, wealth or contribution to the Revolutionary struggle, seems evident. Two instances may illustrate. As to the question of slavery, a majority of the States, perhaps, would have preferred to abolish it *instantanter*. A number of those who were willing to tolerate it for the time were bitterly opposed to the further importation of slaves. On one occasion, when it came to the test of a preliminary vote, only two States, Georgia and South Carolina (even North Carolina faltered) stood adamant against abolition of the slave trade until a

The history of the United States of America is a story of a people who have grown from a small colony of English settlers to a great nation. The story begins in 1492 when Christopher Columbus discovered the continent. The first permanent English colony was founded in 1607 at Jamestown. The Pilgrims founded Plymouth in 1620. The American Revolution began in 1775 and ended in 1783. The Constitution was adopted in 1787. The Civil War was fought from 1861 to 1865. The United States entered the First World War in 1917 and the Second World War in 1941. The Cold War lasted from 1945 to 1991. The United States is a democratic republic with a system of checks and balances. The President is the head of state and the Commander in Chief of the armed forces. The Congress is the legislative branch and the Supreme Court is the judicial branch. The United States is a member of the United Nations and the Organization of American States. The United States is a leader in the world in many fields, including science, technology, and culture.

reasonable time should have elapsed. And, yet, the other States, with evident reluctance, ultimately acquiesced. The influence must have been powerful that caused the Convention to yield in a matter involving such weighty moral, political and economic factors. As to the matter of representation in Congress, the number in the lower House finally apportioned to Georgia (for representation until the census should determine the number) was three. The apportionment was supposed to be made on the basis of population, and yet Georgia was credited at the time with but 27,000 "free whites" (Brearly's estimate) whereas Delaware with 37,000 and Rhode Island with 58,000 were given but one each. Even with the three-fifths allowance for slaves, Georgia's population alone would not have entitled her to so large a representation. It was argued, in explanation, that Georgia would probably rapidly and largely increase in population but, perhaps, there were other considerations as persuasive, as well.

It was not the "much speaking" in the Convention that achieved results. Indeed, the deputies who spoke most frequently and at greatest length appear, as a general proposition, to have failed to gain the assent of the majority to their views, notwithstanding the orations were frequently brilliant and persuasive. Randolph, whose "Plan" furnished the groundwork of the discussions and the framework of the Constitution as adopted, engaged frequently and at great length in the debates, and yet his eloquent appeals

failed at so many points that he declined to sign the instrument finally adopted. Luther Martin, of Maryland, was a frequent and vehement speaker and often to a length of tedium, but his efforts so generally failed to convince that he left the Convention in disgust and went home to Maryland to oppose, publicly and bitterly, the instrument finally submitted. Even Madison, who was one of the original promoters of the Convention, who spoke frequently and upon many of the controverted articles and always logically and in a conciliatory spirit, failed more frequently than he succeeded in gaining the vote of a majority for his contentions. Alexander Hamilton, indeed, chief protagonist of a reconstructed government and foremost among the Annapolis commissioners, and whose opinions largely prevailed in the formation of the Constitution, spoke but once in the Convention. After a long and forceful presentation of his views in an early session, the antagonistic attitude of his fellow deputies from New York caused him to leave the Convention, and New York was unrepresented until his return, in the closing days, to sign the Constitution, although "not altogether what he wanted but perhaps the best that could be secured under the circumstances."

The work of the Convention and the constructive deliberations were conducted in the conferences of the members outside the hall of the Convention and between its sessions, and chiefly in the meetings of the "Grand Committees" (one member from each

State, selected by ballot) to which were referred for consideration and report all important matters involving grave differences of opinion. Baldwin spoke, in all, eight times in open Convention, always briefly but conservatively and with dignity and impressiveness. Houston, on four occasions, suggested minor amendments to clauses, under consideration, which were sometimes adopted and sometimes not. The genial Maj. Pierce, on a few separate occasions, expressed himself briefly to the effect that he thought "the first branch of the national legislature should be selected by the people and the second by the States;" that "State distinctions must be sacrificed for the general good without, however, destroying the States" and that "though he was from a small State he felt himself a citizen of the United States." Few spoke not at all.

The great problem before the Convention was to devise a form of government that should promote the welfare of all the States and protect the interests of each. The Georgia deputation, led by Baldwin, certainly secured for Georgia all the protection of her special interests that could reasonably be desired. Indeed, one might gather from the proceedings almost that Georgia was the favorite child of the Union and "pampered pet" (as one expressed it) of the Convention. These special interests were, first: appropriate representation in the national legislature. It has been noted that, for representation in the first branch of the Congress, liberal allowance, preceding

the census, had been made to Georgia. If the apportionment thereafter were on the basis of "free white" population, Georgia would have suffered. In Baldwin's first speech in the Convention (June 29th), while "wishing that the powers of the legislature might be defined before its constitution was determined," he advocated representation, in the second branch at least, "on the basis of population and property, or wealth." The Southern States—Virginia, North Carolina, South Carolina and Georgia—though lesser in "free white" population than the northern and eastern States—were, actually or potentially, the "rich" States. Various methods were suggested for estimating the wealth in the event it should be considered in the apportionment. These "rich States" were mainly agricultural and the basis of their wealth was the product of slave labor. It was suggested, therefore, that, if slaves should be enumerated as "population" and representation based upon this, it would really amount, in the rough, to an allowance for wealth. Some contended that, in the enumeration, the slave should count as the equal of the "free white" citizen. This was bitterly contested by the non-slave holders although no one suggested in retort that slaves should be given the franchise or be "qualified electors." A happy thought suggested that, inasmuch as eleven States had agreed to the amendment to the VIIIth of the Articles of Confederation, in which the slave had been counted as three-fifths of a citizen for purposes of *taxation*, they could

not logically object if the same valuation for purposes of *representation*, were incorporated in the Constitution. This proposition, which was supported by Baldwin, finally prevailed.

Second:—Non-interference by the national government with slavery or the slave trade, which were regarded, particularly by Georgia, North Carolina and South Carolina (some of the most bitter opponents of both were among the deputies from Virginia) as absolutely essential, for the time being, to their economic prosperity and development. Baldwin's second speech of any length (August 22nd) was on this subject. Conceding, but not altogether sharing, the sentimental objections to slavery and expressing the belief that the institution would ultimately be abandoned or prohibited by the States themselves concerned, he opposed strenuously any grant of power in the premises to the national government as potentially destructive of the welfare of his State, adding that "Georgia was decided on this point." This proposition also was finally accepted; nothing was said about slavery in the Constitution and tolerance of the slave trade was specifically provided for, for a period of 20 years, at least (until 1808). As every one knows, these were the "seeds of dissension" contained in the Constitution finally adopted, productive of controversies which culminated in the calamity of the Civil War. That Georgia, led by Baldwin, and South Carolina were, initially, mainly responsible there can be no doubt; but there are not lacking, even today, patriotic

men who consider Baldwin's position at the time to have been humane as well as wise, and that the finality of the matter might have been achieved, in accordance with his expectations, at much less fearful cost. Indeed Georgia, of her own motion, prohibited the further importation of slaves into her territory in the State Constitution of 1798.

Third:—The disposition of the immense western domains to the immediate eastward of the Mississippi, which had been surrendered by Great Britain to the "United States" but were claimed by certain of the larger States (including Georgia) as their individual possessions, by reason of charter, etc. The small seaboard States naturally claimed an equity in these possessions and would limit the boundaries of the several States to such territories as had actually been brought within their administrative jurisdictions. Maryland, particularly, was (as she previously had been) acutely sensitive on this point. As has been previously pointed out, the situation in Georgia was, geographically, somewhat peculiar. Fresh from the discussions in the Georgia legislature over the cession of the western territory to the Confederation, Baldwin was prepared to speak advisedly on the subject so far as Georgia was concerned. In a very brief statement (August 30th), during the discussion of the matter he "did not wish any undue advantage to be given to Georgia" and suggested the form of the constitutional provision which was ultimately adopted giving to Congress the power to "dispose of and make

Rules and Regulations respecting the Territories or other property belonging to the United States'' without ''Prejudice to the claims of the United States or any particular State.''

Georgia was genuinely desirous that the union of the States should be preserved. The vital interests of their State protected, the Georgia deputies co-operated zealously with those from the other States in the endeavor to devise the best possible form of national government that wisdom and experience could suggest as adequate to ensure its strength and perpetuity. The deputies in the Convention were men of the highest character, of prominence in their several States, intelligent, patriotic and experienced in public affairs. The debates indicate that many of them were close students of the history of governments—ancient and modern—and were keenly appreciative of the merits and defects of the ''Constitution'' with which they were familiar as of a ''Mother Country,'' of the colonial administration, and of the ''Confederation'' under which they had lived for twelve years of nominal independence. There were no ''democrats'' in the Convention. Indeed, the deputies, practically without exception, were representatives of the ''conservative'' and property-holding classes, intent upon founding a government which should guarantee the fullest political freedom to the individual, but yet not in sympathy with the pure ''democracy'' of Patrick Henry (who, in consequence, had declined to attend

the convention) or of Thomas Jefferson, then absent in France. They regarded the security of property as essential to the stability and permanence of any efficient government. The atmosphere, from start to finish, was charged with fear and distrust. Fear, lest power given an Executive should lead to Dictatorship or Monarchy; fear, lest power given the legislature should result in Aristocracy; and distrust of "the people" as lacking in intelligence or worthiness to exercise powers which might be entrusted to them. In addition, there was the ever-present fear that the disparity in size, population and wealth of the several units of the proposed federation—the "Sovereign States"—might permit the "larger" to oppress the "smaller," unless due precautions were taken in the constitution of, and the powers granted to, the national legislature. To construct an instrument which might minimize these apprehended evils, reconcile the conflicting interests and sentiments of all the members of a proposed Union and receive the ratification of "Sovereign States" and the peoples thereof, was a mighty task that called for, not only patriotism and good intent, but knowledge of political history and political philosophies, an understanding of the temper of those for whom the government was being prepared, the highest intelligence and profound wisdom.

Without disparaging the abilities or the services of sturdy Wm. Houston, or the delightful Maj. Pierce, it is quite certain that Baldwin was the most

influential member of the Georgia deputation. His temperament; his tact and conciliatory disposition (employed with such success in Georgia); his education, training and scholarly acquirements; the intimate association he enjoyed with prominent men in a number of the States, particularly in New England; his close friendship with the deputies from his native State, Connecticut, fitted him to be an efficient and influential councillor in the Convention. Maj. Pierce says (in part) of him, in the "Sketches," that he was "a Gentleman of superior abilities and joins in a public debate with great art and eloquence;" "he is well acquainted with Books and Characters and has an accommodating turn of mind which enables him to gain the confidence of men and to understand them." Of Wm. Few it should be said that he was the warm admirer and able coadjutor of Baldwin. Born (1748) in Maryland, of Pennsylvania stock, removing to North Carolina in 1758 and thence to Georgia in 1776, he had served with distinction in the army, been elected to the legislature (from Burke County) in 1777 and appointed delegate to Congress in the same year, serving continuously therein until its dissolution. He was the first United States Senator (with James Gunn) appointed from Georgia—in 1789—serving until 1793. He became involved (innocently) in the land-grant transactions in the western lands, removed to New York in 1799, was elected Mayor of that city for one term, and there died in 1828, the then sole survivor (save Madison) of

the signers of the Constitution. He had been named with Baldwin as one of the Trustees of the lands set apart for the University and as a Charter member of the Board of Trustees of the University and had been intimately associated with Baldwin in public affairs in Georgia.

But few of the deputies had gone to the Convention with clearly defined ideas concerning the details of the work in which they were to engage. Hamilton's proposal had been of a very broad and general character concerning the nature of the new government he advocated, without entering into detail. Randolph's "Plan" was a carefully prepared scheme of detail and was made the basis of the Convention's deliberations. Patterson's "Plan" was largely an attempt to "revise the Articles of Confederation" and received but little serious consideration. Pinckney's "Plan" (if he had one, which is doubtful) was not formally submitted and his oral presentation of it received scant consideration. But many of the deputies, no doubt, were familiar with the public dissatisfaction with the existing Confederation and the numerous pamphlets and publications advocating various reforms which preceded and largely instigated the calling of the Convention. Among these, doubtless, was Baldwin. As a lawyer and legislator and from observation while serving in the army with Washington and Greene, he was aware of the defects in the structure of the Confederation. As a scholarly man he was familiar with the published discussions of

remedies emanating especially from New England and Virginia. Noah Webster, who was a voluminous and influential contributor to these publications, was his intimate friend and, no doubt, furnished him with abundant literature on the subject. He was in regular correspondence with his brother-in-law, Joel Barlow, who was then in France, intimately associated with Thomas Jefferson, Minister to France; and doubtless political discussions found place in their letters. He may even have picked up in Philadelphia a copy of the pamphlet of Pelatiah Webster, apparently unnoticed at the time but, afterwards, claimed to have formulated in substance and detail the essential features of Randolph's "Plan." Quite evidently Baldwin was peculiarly well-equipped to contribute knowledge, understanding and wisdom to the deliberations of the Convention, and these enlarged the influence of his personality.

From the Journal of the Convention and Madison's "Notes"—the only sources of information—it is difficult to determine with certainty, from the numerous discussions, votes, reconsiderations and reversals of action, the exact position taken by the individual deputies upon all the many propositions under consideration or the exact influence in determining results. There were, in all, six "Grand Committees" raised in the Convention. Of these, Baldwin was a member of four: On the constitution of the second branch of the national legislature; on the assumption by the national government of the States' debts;

on the slave trade and navigation acts; (the final one) on matters postponed and reports of special committees not acted on. Few was a member of one—on the laying of equitable imposts by the Congress; and Houston of one—On numbers of representatives in the first branch of the first Congress. These Grand Committees considered the more acutely controverted questions and, as a rule, reported compromises for consideration. The genesis of the first of these committees of which Baldwin was a member (the first raised in the Convention) is worthy of special note. The first serious controversy of the “small” States with the “large” arose over the representation in the second branch (the Senate) in the national legislature, which it had been agreed should be established. Representation in the first branch, proportionate to population, had been tentatively agreed upon. The “large” States contended that the same rule should apply for the second branch; the “small” for the equality of the States in the representation. There had been much heated discussion, in the course of which the “small” States intimated that they should be compelled to withdraw from the Convention unless their contention was upheld. The matter came to what was considered would be a decisive vote on July 2nd. The small States, —Conn., N. Y., N. J., Del. and Md.,—five in all—voted for equality of representation as proposed by Ellsworth of Connecticut. The large States—Mass., Va., Penn., N. C., and S. C.—also five in all, voted against.

Rhode Island had sent no deputies and those from New Hampshire had not yet arrived. Georgia had, thus far, favored the contention of the large States and Baldwin, in his speech on June 29th had clearly expressed his views on the subject. On this occasion, however, he parted with his colleague, Wm. Houston, voted with the small States, and the vote of Georgia was "divided," leaving the vote of the States a tie. In the face of the dead-lock thus created the Convention was brought to a stand-still and it was resolved to raise the Grand Committee (of which Baldwin was selected a member) to consider and report upon the question. The dramatic account of the casting of Georgia's "divided" vote on this occasion, as given by Fiske (*Critical Periods of American History*) is, of course, imaginative, but, as a result, at any rate, immediate "secession" was avoided and the Convention calmly renewed its deliberations. The Committee subsequently reported for consideration what was assumed to be a "compromise" proposal, suggested by Franklin, in which the States were given equality of representation in the Senate and the power of originating and controlling money bills was confined to the first branch (a point upon which Virginia, particularly, had been insistent). Many contended indeed that it was, really, no compromise at all. The apparent control of the purse by the first branch seemed inadequate compensation for equality of representation in the second. But the difficulty was happily tided over for the time being. Later on,

when the matter was finally decided, equality of the States in the Senate was conceded (Georgia voting No) and the right to originate money bills confined to the first branch, with power in the Senate, however, to alter or amend.

Without undertaking to analyze or interpret the many votes on the numerous details presented for consideration, it may be said that, in general, Baldwin and his fellow deputies from Georgia voted consistently throughout for a strong national government, vesting the several branches, Executive, Legislative and Judicial, with great appropriate powers, appropriately "checked" and "balanced," but reserving to the States all governmental powers not specifically delegated to the general government. It would seem that, by far, the greater number of the provisions of the Constitution as finally adopted, received the advocacy and support of Baldwin and his colleagues from Georgia. It is without impropriety, therefore, that he be ranked among the founders of the Republic.

One minor, interesting incident may be noted. Baldwin, with Georgia, voted (with the majority) against granting to the national legislature the right to establish a National University, a proposal in which Washington was particularly interested and which, it might have been expected, Baldwin would approve. Probably he regarded education as more properly a local responsibility of the State.

The great work finished, the signatures (including those of Baldwin and Few) attached, the Convention

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 engaged in the Channel, the British fleet
 (under the command of Admiral Boscawen)
 to the eastward of the French fleet, and
 to the westward of the English fleet.

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adjourned sine die, Monday, September 17th. Baldwin and Few, with other deputies who were also delegates to Congress (there were twelve or more in the Convention) hastened to New York to aid in securing the acquiescence of that body in the recommendations of the Convention. The letter of Washington, with the draft of the Constitution, was laid before Congress on September 20th. After a few days of discussion, in part somewhat acrimonious, that body, on September 28th, agreed unanimously to the recommendation of the Convention to submit the instrument (lacking its own "approval," which the Convention had carefully refrained from asking) to the Executives of the several States for consideration in conventions of their people, thus furnishing, (as a recent writer (Beck) has said), "one of the few instances in human history where an existing government complacently committed suicide."

Few, on the adjournment of Congress, went post-haste to Georgia whose legislature, on October 26th, called a convention to consist of three members to be elected from each county to meet in Augusta on the fourth Tuesday in December to consider the question of ratification. Twenty-six of the thirty elected (among them Few from Richmond County) responded somewhat tardily and, on January 2nd, 1788, apparently without discussion, debate or suggestion of opposition or amendment, unanimously ratified the Constitution (being the fourth State so to do) and adjourned. Seemingly there was no great interest

or enthusiasm excited, although a flag was raised and a cannon shot off in the public Square of Augusta in honor of the event. The good Georgians exhibited either an amazing apathy or sublime confidence in their political leaders. Indeed, they had no reason to be dissatisfied with the achievements of their deputies in the great Convention.

From New York, Baldwin did not return to Georgia but went immediately to his old home in New Haven for a somewhat protracted stay. It is most probable that one purpose of this visit was to assist in securing ratification of the Constitution by Connecticut where he was, of course, well known and had many friends. He, doubtless, felt that the fate of the Constitution in Georgia could safely be entrusted to his colleague Wm. Few. The Connecticut legislature, early in October, issued the call for the ratification convention, which met (in Hartford) the latter part of December. There was considerable difference of opinion in that State on the question of ratification. It was the subject of considerable public discussion and a number of the prominent public men were in avowed opposition. The discussions in the convention were earnest and prolonged but, finally, on January 9th, the resolution of ratification was adopted by a vote of 128 to 40. What, if any, part Baldwin may have had in securing this result is not known, but it is certain that he was in Connecticut at the time and greatly interested in the proceedings. The evenings of December 20, 21, and 24 and of January

10, he spent with his old friend Dr. Stiles, President of Yale, who records, at considerable length in his diary of those dates, accounts of their conversations. These were mainly upon the subjects of the Constitution and the Philadelphia Convention. Baldwin (whom he takes occasion to describe as "a Patriot; an enlightened, sensible and learned man") gave him a "full account of the transactions of the Convention," detailing the methods of procedure, the crucial questions at issue, the various sentiments and attitudes of individual deputies, the formation, functions and personnel of the various Committees, etc., in fact, a fairly complete resumé of the proceedings. The merits of the Constitution were also discussed and Dr. Stiles records at some length his own opinions in approval or objection, concluding that "1—It is not the most perfect Constitution yet, and 2—It is a very good one and it is advisable to adopt it."

Two observations seem pertinent concerning these conversations. The Convention had decided, at the outset, that their proceedings should be kept secret, that no papers should be taken from the room, and no information concerning the discussions should be made public. The Official Journal, as is known, was entrusted to Washington (the President of the Convention) to be made public when transmitted by him to the first Congress formed after and if the Constitution should have been duly ratified by the States. It has been generally assumed that this meant that the individual deputies were bound to absolute silence

It is the duty of every citizen to be informed of the rights and duties of his country. The first step towards this is to know the history of the country. The history of the United States is a story of the struggle for freedom and independence. It is a story of the people who have fought for the rights of the oppressed and the weak. It is a story of the people who have built a great nation out of a wilderness. The history of the United States is a story of the people who have made the world a better place. It is a story of the people who have shown the world that freedom and justice are worth fighting for. The history of the United States is a story of the people who have made the world a better place. It is a story of the people who have shown the world that freedom and justice are worth fighting for. The history of the United States is a story of the people who have made the world a better place. It is a story of the people who have shown the world that freedom and justice are worth fighting for.

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outside the Convention room concerning the proceedings and much admiration—and some surprise—has been expressed that the assumed obligation was kept apparently inviolate and complete secrecy maintained until the publication of Madison's "Notes" in 1840, four years after his death and 53 after the adjournment of the Convention. It is probable, however, that the obligation was not meant to be quite so strict. Private conversations or private discussions were probably not interdicted nor, indeed, public reference to some of the incidents in the Convention, if appropriate to argument for or against ratification; this latter, indeed, would seem to be inevitable and Luther Martin, for one, had no scruples in the matter. It is recorded that Mr. Justice Swayne, in delivering an opinion of the Supreme Court in 1879 set great store by an opinion delivered by Mr. Justice Chase in 1796, because "at that time, the debates in the Convention which framed the Constitution must have been fresh in the memory of the leading jurists of the country." What was probably intended was that no opportunity should be given for irresponsible publications or public criticism of the debates or acts of the Convention while it was in session, as likely to wreck the whole proceedings; and no intimate or authoritative records were to be kept for publication thereafter which might tend to excite or increase differences among the people over the numerous delicate adjustments which were necessary to secure a semblance of agreement on the part of the deputies.

In this they succeeded to a marvelous degree. If this view be correct, Baldwin is absolved of "breach of faith" in his conversations with Dr. Stiles. The conversations were private and not intended to be divulged, and, in fact, did not appear in print until the publication of Dr. Stiles' diary in 1901.

One interesting bit of information confided to Dr. Stiles by Baldwin was that the "Committee on Stile," "which reduced it (the Constitution) to the form in which it was published" was composed of Dr. Johnson, Gov. Morris and Wilson and two others not named, and that "Messrs. Morris and Wilson had the chief hand in the last arrangement and composition." It has generally been believed that Gouverneur Morris was the draughtsman of the final form of the Constitution but solely from internal and incidental evidence, with no authoritative record of the fact. Baldwin's statement seems positive confirmation, in part, at least. Wilson was not a member of the committee which submitted the final draft. Madison gives the "Committee on Stile" (and the Official Journal the "Committee on Revision") as Messrs Johnson, Hamilton, G. Morris, Madison and King. Gouverneur Morris, a native of New York was a brilliant young attorney at the Philadelphia bar. He was distinguished for brilliance in speech and lucidity in expression. He was somewhat intemperate in argument and dictatorial in manner. He spoke more frequently in the Convention than any other deputy but his contributions were said to be sometimes "more

voluable than valuable.” As a “stylist,” however, he was without a peer. James Wilson was professor of Law in, what was about to become, the University of Pennsylvania; he was the recognized leader at the famous Philadelphia bar and considered to be “the most learned jurist in the Convention.” His keenness in discrimination and conciseness in expression were manifest in his speeches and in the written proposals he, not infrequently, submitted. Although not of the “Committee” it may very well be that Morris, his younger friend, associate at the bar and fellow deputy from Pennsylvania, took counsel of this wise and learned Scotchman (he was born in Scotland) in the interest of accuracy in the final draft.

CHAPTER IV.

THE CONGRESS OF THE UNITED STATES

The Articles of Confederation provided that each State should be represented in the Congress, which met annually, by not more than seven nor less than two delegates; seven States duly represented, were necessary to constitute a quorum for the transaction of business and the assent of nine to important measures. In the years immediately preceding the close of the war Georgia sent no delegates; in the subsequent years six were appointed of whom rarely more and frequently less than two attended. In the Congress which met at Trenton, Nov. 1, 1784, Wm. Houston and Wm. Gibbons represented Georgia. On December 24 the Congress adjourned to meet in New York January 11, 1785. Baldwin was appointed delegate to Congress on January 19, 1785, two weeks after his entrance into the legislature. In company with John Habersham, a fellow delegate, he joined Houston in New York on May 30, the three remaining until near the close of the session on November 4, Baldwin leaving on October 15. The proceedings were frequently interrupted by inability to secure the necessary quorum of States and messages were despatched to the several legislatures urging them to send their delegates that the Congress might attend to its business. When a quorum was present practically the only matters considered were those of

finance. Frantic appeals were sent out to the States to pay up the requisitions previously assessed upon them and to prepare to meet others to be made. Innumerable petty claims for all sorts of services alleged to have been rendered and not paid for during the war were presented and, generally, postponed as there was no money with which to pay them. Gratitude to Baron Von Steuben for his services during the war prompted a Resolution to pay him \$15,000, which, on motion, was reduced to \$10,000 and then to \$6,000, which in this amount was adopted, the Georgia delegation voting for the larger amounts. Mr. Thomas Paine was also thought worthy of grateful remembrance for his literary contributions to the Revolutionary cause, and it was proposed to pay him \$6,000, which was cut to \$3,000 and agreed to. The principal business, however, was the Budget for the expenditures of the various departments of the government for 1785 and the proportionate assessments upon the States to meet them. Upon neither of these propositions was it found possible to fix upon figures satisfactory to the necessary majority and the Congress abandoned the attempt. Baldwin and the Georgia delegation voted uniformly for the recommendations of the Budget Committee but were generally overruled. One constructive piece of legislation was enacted. By unanimous vote, on July 6, 1785, it was resolved that "the money unit of the United States be one dollar; that the smallest coin be of copper, of which 200 shall pass for one dollar; and that the

several pieces shall increase in a decimal ratio." Rather an indefinite description of a monetary unit but it fixed the decimal system of the currency. This measure was the outcome of an elaborate Report on the Currency made by Jefferson in the Congress of 1783; the decimal system, however, was first suggested by Gouverneur Morris who strongly advocated it.

At the next Congress, which met in New York November 7, 1785, Baldwin joined Houston on November 23, completing Georgia's representation and providing the necessary quorum which had not been secured since the assembling of the Congress. The next day, however, the quorum was again broken by absentees and it was only at rare intervals that one was obtained at any time thereafter for the session which adjourned November 3, 1786. Baldwin remained in this enforced idleness until December 2, when he evidently concluded he was wasting his time in attendance upon this "impotent body" and returned to Georgia for the session of the legislature in January. He did not attend the Congress of 1786-87, covering the period of the calling and meeting of the Constitutional Convention, except for a few days after the close of the Convention. In the summer of 1788 he was present, with Few, at the session at which the President announced that ratifications of the Constitution had been received from the necessary nine States, and he was one of the Committee of five to which these were referred and which reported on July 28, recommending the time for

selection and assembling of the Presidential Electors and the time and place for the meeting of the first Congress for the "commencement of proceedings" under the new Constitution. The selection of the place gave rise to considerable debate, being a renewal of the controversy over the "seat of government" in a previous Congress. New York, Philadelphia, Baltimore, Annapolis, Lancaster, Wilmington and other localities were proposed and as many as 25 ballots taken, resulting finally on September 13 in selection, by unanimous vote, of "the present seat of Congress" (New York). It was well understood that this selection was temporary, the new government being expected to fix upon the permanent site. Baldwin preferred Philadelphia to New York and Few the reverse, but both voted for "some place to the southward of New York." This limited service was the whole of Baldwin's connection with the moribund Continental Congress.

On January 23, 1789, the Georgia Assembly elected, as the first Senators of the United States, Wm. Few and James Gunn, and appointed the first Monday in the following November as the day for electing the three Representatives, one to be chosen from each of three districts, a lower, a middle and an upper. At this election James Jackson was chosen for the 1st District, Baldwin for the 2nd and George Matthews for the 3rd. Two years later, October 24, 1791, were chosen, Gen. Anthony Wayne, Baldwin and Francis Willis. (The election of Wayne

was contested in the House by James Jackson, who was awarded the seat, thus displacing the "Mad Anthony" of the Revolution, who had settled in Savannah.) The Census taken in 1790 gave Georgia a total population of 82,548; the Congress fixed the apportionment for Representatives at one for 33,000, and Georgia became entitled to two. By State legislation these were elected "at large." Baldwin was elected for each of the three succeeding Congresses (until 1799), his colleague in only one instance (John Milledge) receiving a second term. In 1799 he was elected Senator by the legislature, was re-elected in 1805 and died in 1807, with his second term uncompleted. In addition to the three years in the Continental Congress he thus represented his State in House and Senate continuously for 18 years, a record probably unequalled by any public man of his day.

It is not clearly known whether "nominations" preliminary to elections were made in Georgia at the time, or, if so, how or by whom, but Baldwin's selection by his District, by the State at large and by the legislature is evidence of the extent to which he held the esteem and confidence of all the people of the State. At first there were no "parties," political or personal, in Georgia but by 1795 a division between "Federalists" and Jeffersonian "Republicans" developed; as public opinion came to incline overwhelmingly to the latter, contending parties gathered about personalities with considerable bitterness of strife. These dissensions, political or personal, did not loosen

Baldwin's hold on the regard of the people and, as has been seen, he was returned regularly and without interruption, and, it would seem, without opposition at any time to the seat in Congress.

The eighteen years of Baldwin's Congressional service were those in which fell the two administrations of Washington, that of John Adams and the first and half of the second of Jefferson. It was the period in which the structure of the new Republic was erected, the Constitution having furnished but the general plan. It was also the period during which were first developed the two great political parties which, ever since—with occasional change of name—have represented the major differences in public opinion concerning governmental policies and have advocated differing governmental procedure accordingly. After ratification of the Constitution by Rhode Island in 1790 and the adoption of the "Bill of Rights" of the first ten amendments in 1792* there was no further occasion for "federalist" and "anti-federalist" parties. The federal system had been established by unanimous consent of the States. The details of construction and operation of the new government, however, gave rise to many and serious differences of opinion. Many of the men who had been deputies to the Constitutional Convention were members of these

* These ten amendments (with two others) were submitted to the States by Congress on September 25, 1789. Vermont, the eleventh State to do so, ratified on January 18, 1792, completing the three-fourths of the fourteen States necessary for adoption. Massachusetts, Connecticut and Georgia appear to have given them no consideration; at least they reported neither ratification nor rejection to the Congress.

first Congresses. They were now called upon to interpret the clauses of the instrument they had framed and to devise the appropriate machinery to put it into effective operation. The differences which had obtained in the Convention were largely manifested in the Congress: the same fear of abuse of power by the agencies of the government; the same mutual distrust of the small States and the large—the manufacturing, commercial and agricultural; even the revival of questions and policies which, apparently, had been definitely decided by the Constitution. Moreover, great questions of public policy arose and many difficulties were encountered in adjusting the affairs and obligations, both domestic and foreign, of the defunct Confederation, which had been taken over by the new government and which they were in honor bound to settle justly and satisfactorily. Fortunately, George Washington, in whose wisdom, patriotism and integrity there was then universal confidence, had been chosen first Chief Magistrate and he had called to his aid councillors of great wisdom and ability. The cooperation with these of a group of able and experienced men in the Congress accomplished the construction of the governmental organism and the governmental machinery on lines calculated to ensure their efficiency and stability. To this group belonged Baldwin and of it he was an influential member. As in the Constitutional Convention, so in Congress, he was no frequent or lengthy speaker and yet he spoke when occasion required or when weighty

matters were under consideration. His speeches, as reported, exhibit considerable legal ability in construing the meaning and intent of certain somewhat obscure articles of the Constitution, and wisdom and courage in contributing to the solution of a number of the perplexing problems that arose in connection with the initiation of the new government. So far as can be ascertained he was no contributor to the pamphlets and publications then current in which the statesmen of the day engaged in discussion of public policies. He left no written papers and his opinions and his influence can be ascertained only from the official records. It is most likely that—again as in the Convention—his influence was exerted mainly in the committees and in personal conferences with his fellow members. He was elected a member of a number of the important committees raised in the earlier Congresses, and, in 1795, was appointed by the Speaker a member of the Standing Committee on Ways and Means, conceded to be the controlling committee of procedure in the House. As in the Georgia legislature and in the Constitutional Convention, the qualities of his personality commended him to the respect and confidence of his colleagues in Congress. He was chosen several times to preside as Chairman of the Committee of the Whole in the House, notably during the long discussion over the funding of the Public Debt and the Assumption of the State debts by the general government. In 1801, the second year of his service in the Senate, and

again in 1802, he was elected President pro tempore of that body to preside in the absence of Aaron Burr, then Vice-President. It is said of Burr that in no public service did he appear to such great advantage as when presiding in the Senate. His charm of manner, dignity of bearing and fairness in decisions won admiration even from his political enemies. To have been chosen to preside in his stead is evidence of the personal qualities which commended Baldwin to his fellow Senators. In the first session of the first Congress Madison was the leader in the House. Baldwin was evidently his close co-laborer and warm supporter in the proposals he introduced. He voted for the Customs duties proposed by Madison and it was at his suggestion that the latter accepted the moderate "protective" principle that was advocated by the Representatives of the industrial States. He stood with Madison in the organization of the great Departments attached to the Executive—the State, Treasury and War. In regard to the Treasury there was much debate. Many feared to confide its great powers to a single person and proposed its management by Commission—of three, for example. In a short but forceful speech (May 20, 1789) Baldwin stressed the dangers of a divided responsibility, supported Madison's proposal for a single Secretary of the Treasury (Finance) but suggested that safeguards be provided by creation of the supplemental offices of Comptroller, Auditor, Register and Treasurer. Madison accepted the suggestions which were incorporated in the

Bill as finally drawn by a committee of eleven (of which Madison and Baldwin were members) and adopted by the House, providing practically the organization as it exists today. He also spoke and voted for the disputed proposal to authorize the Secretary of the Treasury to prepare and submit to Congress *plans* for regulation of the finances. He exhibited interest in the formation of the Supreme Court and advocated and voted for the creation of the supplementary District Courts. It is clear that he contributed notably to the construction of the new governmental machinery. He was an advocate of a strong national government with ample powers of administration. But he was a "strict constructionist" and strove to restrict the powers—Executive, Legislative and Judicial—within the bounds intended to be set by the Constitution as written. During the earlier Congresses many attempts were made to evade the limitations of the Constitution by statutory enactments, as in the case of the Memorial of the Philadelphia Quakers to abolish the slave trade through prohibitive duties. Not infrequently it was contended that amendments to the Constitution were immediately desirable and proposals made to submit them to the States. Indeed, on many points the discussions in the Constitutional Convention were largely repeated in the halls of Congress. To all these proposals Baldwin was alert in opposition. His speeches on slavery, in connection with the Quaker Memorial; on a proposed change of method in choos-

ing the President and Vice-President (instigated by the closeness of the Jefferson-Burr contest); and on construction of the somewhat obscure "general welfare" clause of the Constitution, in connection with a proposal to extend Federal aid to the sufferers by the great fire in Savannah (December 28, 1796), are clear and able expositions of the meaning and intent of the Constitution as written and pleas for abstention from hasty changes. He may have agreed with Dr. Stiles that the Constitution was "not the most perfect yet" but he wisely counselled giving it a fair and sufficient trial as it stood without amendment or addition not obviously necessary (as the XIth and the first ten, which it had been tacitly understood in the Convention might be added as a "Bill of Rights.") With similar conservative intent he opposed (successfully) the early creation of a Department of the Navy and other administrative offices not evidently immediately necessary.

Coincidentally with the setting in motion of the machinery of the new government, Thomas Jefferson returned from France. At the earnest solicitation of Washington he accepted the post of Secretary of State; reluctantly, it is said, as his desire and intention were to return to Paris, the political movements there in progress appealing strongly to his interest and sympathy. He had been in France since 1784, first as fellow-Commissioner from the Confederation with Adams and Franklin, and later (1785) replacing the latter as Minister to France. He had, there-

fore, been absent from the country for the several years preceding and during the sessions of the Constitutional Convention, the adoption of the Constitution and the first session of the first Congress. Alexander Hamilton, enjoying the confidence of Washington to a greater extent perhaps than any other statesman of the day, had been appointed Secretary of the Treasury. The widely differing political opinions and conceptions of efficient government of these two chief councillors of the first administration, are familiarly known to readers of American history. Both accepted the Constitution as written, but each with misgivings; in the case of Jefferson somewhat removed by the addition of the Bill of Rights of the first ten amendments. Briefly expressed, Hamilton's political faith was "nationalistic," involving a strong central (federal) government, with ample powers to direct and control public affairs, which, if not specifically allocated by the Constitution, should, of necessity, be implied. Jefferson's belief, on the other hand, was in "individualistic" or popular government involving the exercise of the maximum necessary powers by the individual States and their peoples, delegating to the national councils only such powers as were necessary to secure the national welfare. Assuming this to have been the intent of the Constitution which the States and people had adopted for their government, the terms of that instrument should be strictly construed accordingly. Around these two great advocates of these differing policies there soon

gathered the two great parties of "Federalists" and "Republicans," and many contentions arose over specific issues involving these fundamental differences. James Madison had been Jefferson's political pupil in Virginia and was his close friend and ardent admirer. From the beginning of the second session of the first Congress until his retirement in 1797, he was the recognized spokesman in the House of Representatives for the Jeffersonian doctrines and, indeed, for a while, was looked upon as the leader of the Republican party. In many respects Baldwin resembled Jefferson—in temperament and in intellectual habit. This is noted by Richard Malcolm Johnston in a brief reference to Baldwin's career; it is confirmed by more intimate study. Like Jefferson, he disliked the "morbid rage of debate," although, unlike Jefferson, he was a ready and eloquent speaker, and he believed that men were convinced more by "reflection through reading or unprovocative conversation" than by argument. Like Jefferson he was a close student and an original thinker. Just and conscientious in his opinions, in his convictions he was firm; compromising as to details, uncompromising as to principles. He was a lover of his country and jealous of her liberties. Even while in Connecticut he, doubtless, was familiar with Jefferson's political opinions and his advocacy of certain revolutionary and "democratic" measures in the Virginia legislature. Almost certainly he was, even then, in sympathy with Jefferson's views. The measures in which he was particularly interested in

the Georgia legislature were just those which Jefferson had advocated so strongly in Virginia, connected with the prohibition of entail and primogeniture and the equitable division of estates; freedom of conscience and religious liberty; the support of education by the State. So far as has been ascertained there are in existence no written communications which may have passed between the two men; it has been suggested that, in the mass of unpublished "Jefferson Papers," unedited and unclassified, now in charge of the Library of Congress, such communications may possibly be found.

One major difference of the two political parties was their respective attitudes in relation to foreign affairs. Although considerable resentment against England, so bitter during the war, still prevailed throughout the country and particularly in the maritime States, and although it was intensified by the failure of the English government to fulfill faithfully the obligations of the Treaty of 1783, and aggravated by British commercial regulations, great respect was entertained by the Federalists for the English system of government generally, which had proven its stability by its history. By far the greater part of the commerce of the American States was still with the Mother Country. Hamilton and the Federalists, supported by the great commercial interests, counselled conservative treatment (which was, sometimes, attended by positive humiliation) of the many issues that arose with Great Britain, and, above all things, they

feared another break with that country, for which, indeed, it was universally admitted that the United States were not prepared. Their anxiety and zeal on these points gained for the Federalists the designation of an "English" party. Thomas Jefferson was, and had been for some years, well-nigh obsessed in the matter of all things French. Indeed, the extraneous and idealistic sentiments (unnecessary to its purpose) of the Declaration of Independence, which he had written, had mainly their origin in the French school of political philosophy. His long residence in France, in intimate touch with the hectic political events there in progress, had intensified his admiration and his sympathies. Aside from gratitude for the services of France in the war, he and his followers saw, or imagined they saw, sentiments and purposes in the struggles of the French Revolution similar to those which had inspired the contest for American independence. It was only after the horrors of the "Terror," the contemptuous treatment of American Ministers by the Directory and the impudent machinations of Genet that they were somewhat disillusioned. Meanwhile, the sympathies of the "Republicans" were ardently with France and they constituted the bulk of a "French" party. In Georgia—Baldwin's State—where, in Revolutionary days, counties had been named for Chatham, Burke, Richmond and Wilkes, there was no considerable anti-English sentiment. The grievances of her people had been against the English King and Ministry; there was no great

animosity to the Mother land. As they were neither commercial nor idealistic, the French cause appealed neither to their interests nor their sympathies. Undisturbed by this issue, therefore, for the time being Georgia remained Federalist. Special influences, however, affected Baldwin's personal attitude. His brilliant brother-in-law, Joel Barlow, was his intimate and greatly admired friend throughout his life. Barlow, though regarded as erratic and somewhat radical, had acquired a considerable national reputation as scholar, poet, statesman and diplomat. He had gone to France and England in 1786 as representative of the "Scioto" company, which had acquired large tracts of the public lands in the North-west, to secure settlers for the territory. While in Paris he was intimately associated with Jefferson and became even more ardent than he in his admiration and sympathy for the revolutionists. Remaining in Paris after Jefferson's return to America he was in regular correspondence with him, Baldwin and others in the States.* He advocated a close alliance of the United States with France and sometimes pushed his activities to the point of impropriety and inter-meddling. It was through Baldwin that he sent his appeal to Washington which so greatly disturbed the Chief Magistrate and Adams. It was to Baldwin (though not by name) that were addressed the celebrated letters

* As indicative of their intimacy, it was to Barlow that Jefferson wrote the curious letter intimating that the haste in which John Marshall had written his "Life of Washington" was due to an intent to use it as a "campaign document" in the approaching Presidential election.

(which he published) to "a Representative in Congress" which excited the ire and indignation of the Federalists, his friend Noah Webster in particular. While deprecating, no doubt, the fervor of his activities and his improprieties, Baldwin had a great respect for Barlow's political opinions. And, indeed, he was worthy of respect, for notwithstanding his eccentricities and errors of impulse, he was a man of great ability and a genuinely patriotic American. A few years later he served as special American Consul to Algiers and secured the liberation of a number of his fellow countrymen who had been imprisoned by the pirates for ransom. Later he negotiated an advantageous Treaty with Tripoli which put an end to the piratical atrocities of the Barbary Coast. Certain events, moreover, caused Baldwin to be apprehensive of an undue extension and exercise of federal powers. So early as in the years of Washington's first administration Georgia found herself at odds with the federal government in the matters of her Indian treaties and the disposition of her western lands. The controversies became acute and the overwhelming sentiment of the people became anti-nationalist and turned them to the support of Jefferson and the Republicans. Under all these circumstances Baldwin, although (like Madison) a "Federalist" in the framing of the Constitution and the formation of the government, found his views in the exercise of government more in accord with those of Jefferson, although he did not subscribe to the applications of his theoretic

Democracy, involving implicit confidence in the judgment of "the people," and was far removed from any taint of demagoguery. From the opening of the second session of the first Congress until his death he supported the principles of the Republican party. In Madison, Baldwin found a congenial associate and co-worker. Madison had been educated at Princeton, an off-shoot of Yale, and, for a time, had contemplated and made preparation for entering the ministry. Intellectually, the two were kindred and, indeed, in his speeches, Madison not infrequently referred to Baldwin in terms of admiration and respect. On the retirement of Madison from Congress (in 1797) Baldwin became one of his prominent successors (as he was one of the ablest and most conservative) in the leadership of the Republican party. He was no blind or bigoted partizan, however. While he supported the Republicans in their main and important proposals he frequently took issue in minor matters. He was no "politician" interested in "Party" success at any cost. This he demonstrated on several notable occasions, as when, for example, in 1793 he voted against the resolution initiated and supported by his party associates, to censure the Secretary of the Treasury (Hamilton) for his actions in connection with the foreign loans. He was, however, a thorough convert to the doctrines of the Republican party. He opposed all of Hamilton's original financial proposals and, later, his proposition of a protective tariff. He voted with Madison and his

colleagues of the Southern States for locating the "Federal City" on the banks of the Potomac. He was an advocate of economy and republican simplicity, and opposed the payment of large salaries to public officials, as unnecessary to attract good men to the public service, and, also, the maintenance of expensive Ministries at foreign Courts. He took part in the long debate in the House on Jay's Treaty and supported the Resolution requesting the Executive to submit to the House the correspondence and documents connected therewith, making a very clear argument for the constitutional privilege of the House to have some part in the making of treaties in certain cases. Although Washington declined (for the time) to submit the papers, Baldwin voted for the appropriations and other incidental measures necessary to carry the treaty into effect. He opposed enactment of the "alien and sedition" laws and, in the Senate, approved the Louisiana Purchase and argued its constitutionality, of which Jefferson was in doubt.

The Congressional and political history of these early years in the life of the Republic—those eighteen years of Baldwin's service—have been reviewed by numerous American historians. By some, more detailed and intimate, Baldwin has been classed as among the most able of the Republican leaders and, sometimes, his attitude on specific questions has been noted. But it is doubtful if he has been given the prominence which was his due. This, for several reasons, perhaps. He came late into the political life of the

country, not, indeed, until Independence had been achieved and Peace declared. Many of his contemporaries and associates had been speakers, writers and participants in public affairs in the pre-Revolutionary and War days. They were known to the chroniclers of the time and continued to receive their attention. He started with no political reputation (or notoriety), whereas theirs was established. He was, comparatively, an infrequent speaker and the author of no published writings. He represented a State which—however important in the formation of the Union, when unanimity was requisite—was regarded as relatively unimportant, and somewhat irritating, when it had been secured. He had no ambition or desire for public office other than as Representative of his State, and he filled none. A close examination of the record of his long service by those more competent and having greater opportunity than the present writer would probably disclose that he was a more important factor in the initial building of the Republic than has been generally recognized.

It was in his characteristic role of Peace Maker that Baldwin rendered great—perhaps his greatest—service to his State and country. When, in 1790, intense irritation was excited and anger aroused in Georgia by the determination of the Federal administration to inquire into and modify certain treaties which the State had concluded with the Indians—aggravated by the spectacular reception at the seat of government of the treacherous half-breed Chief

McGillivray and his dusky tribes,—there can be no doubt that peaceful and persuasive counsels were employed at the national seat of government to induce Washington and his advisors to refrain from extreme measures and to enter into further negotiations with the tribes by which, eventually, the contentions of the State, the Federal government and the Indians were peacefully settled. To these counsels surely Baldwin, who was the recognized leader of the Georgia delegation in the Congress, contributed. On a later occasion, while Jefferson and Madison were instigating the legislatures of the States (and succeeding in the cases of Virginia and Kentucky) to adopt Resolutions adroitly but definitely asserting the privilege of a State to “nullify,” or refuse obedience to Federal laws and processes which it might consider beyond the authority of the Constitution, Georgia boldly “nullified” on her own account, without any preliminary avowal. When the decision of the Supreme Court (in the case of *Chisholm vs. Georgia*) affirmed the right of a non-resident citizen to sue a State in the Federal Courts, with or without its consent, the Georgia legislature, by Resolution, immediately denounced violently the decision, and the Governor of Georgia, by Proclamation, threatened to hang instantly any one who dared attempt to enforce the writ within the confines of the State. Here was a situation similar to but much more serious than the “Whiskey Rebellion” in Pennsylvania. Had methods of enforcement similar to those employed in Pennsyl-

vania in the case of the revenue laws been attempted in Georgia (giving Hamilton additional excuse to urge the creation of a large army, which many suspected he designed for other purposes than the suppression of internal disturbance), there would probably have been actual conflict of the armed forces of Georgia and the Federal government, entailing most serious and lamentable consequences. Baldwin immediately took steps to pacify the situation. Within a few days after the decision was announced he cooperated with Representative Sedgwick of Massachusetts in introducing in the House proposals for an XIth Amendment to the Constitution, substantially prohibiting the United States Courts from entertaining suits, in law or equity, against a State by any non-resident citizen or foreigner. The House and Senate, by the necessary votes, agreed to submit the Amendment, which was proposed to the States March 5, 1794 and proclaimed as ratified and in force January 8, 1798. The trouble ceased with this very proper addition to the organic law, which incidentally considerably enhanced the "sovereignty" of the States.

The disposal of Georgia's western lands involved serious and complicated questions. In the Preliminary Treaty of Peace between Great Britain and the United States, drawn in 1782, it was agreed that the Southern

boundary of the United States should, in part, be along the 31st parallel of latitude, from the Mississippi river to the Chattahoochee, thus including in the United States the northern portion of West Florida which at the time was in nominal possession of Great Britain; although the Spaniards, who had formerly possessed it, were the actual dominant power. By a "secret clause" in this Treaty it was stipulated that, in the event England should retain the Floridas under the General Treaty of Peace with France and Spain, then in process of negotiation, the southern boundary of the United States should be along the parallel $32^{\circ} 28'$ from the mouth of the Yazoo river, England thus retaining West Florida. By the General Treaty (1783), however, the Floridas were given to Spain and the final Treaty of 1783 between the United States and Great Britain defined the line of the 31st parallel as the southern boundary. The "secret clause" of the Preliminary treaty, of course, soon became known to all parties interested and Spain naturally claimed that the northern boundary of West Florida ceded to her by Great Britain should be the Yazoo line of $32^{\circ} 28'$ parallel. Georgia, in the meanwhile, claimed the 31st parallel as *her* southern boundary under her original charters and the Treaty of 1783, and the legislature in 1784 asserted the claim, as has been

noted, and proceeded to lay out the County of Bourbon in the territory.* The Continental Congress, indeed, had tacitly conceded Georgia's claim by negotiating with her for the cession of the territory. When the dispute with Spain was settled by Pinckney's Treaty of 1795, Spain relinquished her claim to the territory in favor of "the United States," whereupon the Federal government claimed that the territory belonged to "the United States" as a whole and not to the State of Georgia. To complicate matters further, Georgia, in 1795 (and previously) had sold large tracts of the land to great Land Companies and individual titles held as from Georgia were unconfirmed by the Federal government. To add still further to the complications, the legislature of Georgia in 1796 rescinded the sales Act of 1795, the validity of which action the holders of the land disputed. In the same Act (1796) Georgia re-affirmed her title to the disputed territory and, in the new Constitution, adopted in 1798, re-asserted her claim by special Article in that instrument. Here was a very pretty muddle of conflicting claims, the more disturbing by reason of the intense political excitement created by charges

* The explanation of this confusion in the Florida boundaries is as follows: By Treaties of Peace between Great Britain, France and Spain in 1763, the Floridas had been given to Great Britain by Spain (in exchange for Havana), the northern boundary of West Florida being fixed at the line of the 31st parallel. France, who claimed the territory north of this line, ceded to Great Britain all territory east of the Mississippi, extending south to this line. By order of Council in 1767 Great Britain extended the territory of West Florida to the line of the Yazoo. During the Revolutionary War, when Spain was allied with France against Great Britain, Spain practically re-conquered the Floridas and took forcible possession in 1781.

of bribery and other corrupt practices in connection with the Georgia Sales Act of 1795 (the famous "Yazoo" controversy). Matters came to a head when a number of residents in the disputed territory petitioned Congress (in 1798) for the creation of a "Mississippi Territory" embracing the disputed region. If Georgia owned the territory this could be done constitutionally only with her consent; if by the General government, then without; and, in either event, the claims of the purchasers of the lands were to be considered. In the debates in the House on the Bill for creating the Mississippi Territory, Baldwin, in forceful and well-tempered speeches, led in insisting upon Georgia's ownership of the territory and the obligation, under the Constitution, to obtain her consent before creating the Territory, to which, per se, there was no great objection, provided Georgia should be equitably compensated for her loss of territory. He was ably seconded by his colleague, John Milledge. The majority was against them, however, and the Act was finally passed by both House and Senate, creating the Territory, without reference to Georgia's consent but authorizing appointment of a "Commission" to review the whole situation and report upon the equities in the case. Whereupon the Georgia legislature presented to Congress a "Remonstrance" against the Act, taking occasion to accompany it with a further "Remonstrance" against the Indian treaties the Federal government had entered into with the notorious McGillivray in 1790,

by which, as they had not been faithfully observed, Georgia had also been despoiled of lands she considered her own. The matter lay somewhat in abeyance for a year or more, a source of continuous irritation and dispute. A Governor had been appointed for the Mississippi Territory, but his administration had been far from satisfactory and a Territorial Legislature was authorized which appointed a Representative Delegate to the Congress in 1800. Upon the question of his admission the entire controversy was renewed. Jefferson had become President and Baldwin had been transferred from the House to the Senate. The project of the Commission was revived and Jefferson appointed the Secretaries of State, the Treasury and War—Madison, Gallatin and Lincoln—while Governor Tatnall, authorized by the legislature, appointed the two Senators, Baldwin and Jackson and Milledge of the House. A settlement, as recommended by the Report of this Commission, was embodied in an Act which passed both Houses of Congress and was approved in May, 1802. In this settlement Georgia ceded to the United States *all* her Western lands lying west of the Chattahoochee river and the imaginary line (the old British 140 statute miles) extended northerly to the boundaries of the Carolinas. As compensation, Georgia received \$1,250,000 in money (or credit) and agreement by the Federal government to extinguish all Indian titles within her remaining territory and to assume such obligations as might arise under the claims of

the purchasers of the "Yazoo" lands. There can be no reasonable doubt that this final and happy settlement, equitable alike to the United States and to Georgia, was largely accomplished through the conciliatory and persuasive counsels of Baldwin. His character and methods, his relations to the administration and prominence in his Party (then in power) together with the esteem in which he was held by his colleagues in Congress generally, all fitted him peculiarly to act as chief advocate of Georgia's rightful claims, without provoking irritation or unreasonable opposition, and with promise of success. Milledge, no doubt, ably assisted him; but it is doubtful if the fiery and impetuous Jackson, fresh from his denunciations of the "Yazoo Frauds" at home, was inclined to any compromise, especially in the matter of the Yazoo claims. Troubles subsequently arose over the failure of the Federal government to comply with the terms of the settlement, as interpreted by Georgia, in the quieting of the Indian titles and also in the settlement of the Yazoo claims (which were declared valid by decision of the Supreme Court in 1810). Friction over the Indian titles approached the verge of Civil War under the administration of John Quincy Adams in 1826 and was not completely allayed until the removal of the Creeks from the disputed territory in 1827. The Yazoo claims were not finally settled until 1814. Baldwin died in 1807 and his influence unhappily was lacking in the settlement of these subsequent disputes.

In the intense political excitement which convulsed Georgia in 1795-6 over the famous "Yazoo Frauds," Baldwin does not appear to have been prominently involved; indeed, probably he was not in the State at any time during the controversy. He probably was not in sympathy with the violent, verbose (and somewhat Sophomoric) denunciations which accompanied the passage of the "rescinding" Act of 1796, nor the theatrical destruction of the engrossed copy of the Sales Act of 1795 by "fire drawn from Heaven," but that his judgment and sympathies were with the "rescinders" is quite certain. He consistently opposed payment of the claims by Congress and his attitude is indicated by an interesting incident which he, himself, has left of record. On March 14, 1796, during the debate on Jay's Treaty, Baldwin premised his speech on the Treaty by a personal statement.

"A few days ago I was called out of the House by a person then unknown to me who said his name was Frelinghuysen and whom I found to be a Senator of the United States. He delivered me a letter which I opened and found to be a challenge directed to me from James Gunn, also a Senator of the United States. The pretext was to extort from me some private letters which I had received early in the session from a number of my constituents expressing their wish that I would endeavor to prevent anything being done in Congress to validate the Mississippi Yazoo Land Speculation. There was no complaint of any personal indecorum or disrespect. Whether

they were actuated in their conduct by interest in Yazoo speculation I will not pretend to judge. Not knowing their degree of relation to this question or the character of but one of them I can only conjecture. The peculiar character of this attempt to interrupt the channels of confidence for free communication between me and my constituents lead me to think it my duty not to let the treatment of it depend upon my own individual discretion. I consider it as in the discretion of the House."

Frederick Frelinghuysen was then a Senator from New Jersey. (His son, Theodore, in 1844 was the Whig candidate for Vice-President on the Clay ticket). James Gunn, of rather disreputable character, was Senator from Georgia and one of the chief expectant beneficiaries of the fraudulent Yazoo speculations. It is very probable that Frelinghuysen, also, was interested in the Yazoo claims, as the speculation was by no means a local Georgia enterprise.

On numerous minor occasions Baldwin displayed his fairness in judgment and courtesy in demeanor. For various reasons Washington's first administration had excited considerable enmity on the part of the Republicans. In the Reply to the Presidential Address on the occasion of the Second Inaugural this was expressed in somewhat objectionable language. Baldwin immediately protested and was added to the Committee which, forthwith, presented an amended Reply in more respectful and becoming terms. On another occasion he opposed summoning to the Bar

of the House for censure certain newspaper correspondents who had criticized and made false statements concerning the Proceedings, and, incidentally, he made a strong argument for absolute freedom of speech. As interesting items of his service it may be noted that he warmly seconded Madison's proposal to construct a Post Road from Maine to Georgia and was a member (with Madison and three others) of the Committee appointed to prepare details and report on the project. He opposed the incorporation of a "National University" in Washington unless it were clearly provided that it should receive no financial support from the government. As in the Constitutional Convention, he was of opinion that the support of education was a State and not a national function. As indicative that he was not devoid of a sense of humor, he opposed the employment of official stenographers and the publication of the debates on the ground that it would involve a large expense to print the speeches and "even after they are printed it would be necessary to pay people for being at the trouble to read them." (A prevision, perhaps, of the "Congressional Record.")

Altogether, in his long Congressional career Baldwin rendered signal service to his State and to his country. He was one of that group of wise and patriotic men who laid securely the foundations upon which was builded the present Great Republic.

CHAPTER V.

THE UNIVERSITY OF GEORGIA.

In 1783, at the successful termination of the War for Independence, there was, perhaps, but one "college" in the United States entitled, in strict legality, to use the name, or partaking in any large measure of the nature of a secular institution. This was the "College of William and Mary" in the State of Virginia. The British Ministry had, as a rule, declined to approve or confirm the charters issued to "colleges" by the Colonial Assemblies. This was because the chief purpose of these proposed institutions, for the most part, was to promote and perpetuate an ecclesiasticism hostile to the Church of England. Not only in New England. The inability of George Whitefield to secure a "college" charter for his transformed orphanage of "Bethesda" in Georgia was the chief cause of his quitting the Province, and the rebellious attitude of the Mecklenburgers in North Carolina was due partly to the indignation aroused by their failure to obtain a charter for their "Queen's College" in that county. Harvard (1650) and Yale (1717) were essentially sectarian theological seminaries of somewhat differing Puritan strains. The "Convenanters" had parted company with the Puritans at Yale in 1746 and established at Princeton the "College of New Jersey." It is true that the charter (which was free of sectarian bias) of King's

College in the City of New York had been officially confirmed in 1745, but the institution practically ceased to exist during the Revolution and was reorganized as "Columbia College" only in 1787. But Virginia was loyal to the Church of England. Out of the remnant of the bountiful provision made in 1617 for establishment, in one of the most beautiful and fertile sections of the Colony, of a school, partly for the colonists and partly that the Indians might be taught "Christianity and Civility," and of the ruins of the school's successor, Henrico College, which had perished in frightful Indian massacre in 1622, grew the "College of King William and Queen Mary," which, without cavil, was granted a Royal Charter in 1692. The curricula of all similar institutions at the time were narrow and restricted. Not many lines of intellectual endeavor had yet been reduced to "pedagogic form." In New England particularly, Theology was still the "Queen of Sciences" and there yet lingered something of the sentiment that had moved Barebones Parliament to suggest the suppression of the English Universities on the ground that all "carnal knowledge" was "worthless." William and Mary was more liberal. The educational inspiration of Harvard and Yale was largely that of King's College, Cambridge, the intellectual stronghold and chief Debating Club of the Dissenters, and of which a number of the founders of the two institutions were graduates. The promptings (and the counsels) of William and Mary came mainly from Edinburgh. The

Scots were, unquestionably, obstinate in their convictions, were prone to argument if occasion required; but they had arrived at a finality—or perhaps an equilibrium—in their religious beliefs, and their theological disputes were not so many or so constant as those of their English cousins in the South. The University of Edinburgh was recognized at the time as the most liberal institution of its class in the British Isles. Thence came the first of the teachers to William and Mary. The financial aid obtained in the Mother Country, moreover, came mainly from broad-minded men and those of liberal views. Among the chief contributors (and of a large amount) was Robert Boyle of Oxford, the first and famous great English Chemist, and one of the Founders of the Royal Society. It is true that one of the purposes of the college as specified in the charter, was the preparation of “fit persons” to be ordained as clergy to serve the parishes of the Colony, but it was not the only or major purpose. At William and Mary was organized in 1776 the famous Phi Beta Kappa Society for promotion of patriotism and culture; it would be difficult to imagine the organization of such a society in any New England college at the time. The difference in character of the New England colleges and William and Mary led to certain differences in the results of their teachings. The alumni of the latter—such men as the Randolphs (Peyton and Edmund), Thomas Jefferson, John Marshall and James Monroe—found intellectual interest in politics, philosophy and eco-

nomics. Their reading was wide and general; they were in touch with the political and philosophical discussions which were agitating the intellectual circles of England and the Continent—France, in particular; they found abundant and fruitful opportunities for application of their theories or conclusions in perfecting the political, social and economic structure of their large and magnificent Commonwealth. The educated men of Virginia, therefore, stayed at home to make of Virginia the “Mother of Presidents” and chief exponent, for many years, of the political principles that guided the development of a mighty nation. Several circumstances conspired to drive the scholars of New England from their native colonies. Increased congestion of population upon small and not particularly fruitful areas would have induced emigration in general, to be sure. But the chief business of the New England colleges was to prepare “ministers” for the churches. In the course of time the supply probably exceeded the demand—at least a tempting demand. Moreover, severe and disciplinary and, in many respects, admirable as the teachings were, the over-emphasis upon a narrow dogmatic theology at a period when intellectual freedom no less than political freedom was part of the spirit of the age, caused revolt on the part of some of the most scholarly of the college men, led them to abandon the ministry for other intellectual pursuits and to escape from uncongenial surroundings by emigration to other Colonies, there to found schools, colleges and

churches and to become leaders in the secular professions and pursuits.

Among the emigrants from Connecticut there came to Georgia, in 1754, Lyman Hall. A staunch Puritan, graduate of Yale and candidate for the ministry, he had declined ordination, studied medicine and joined a small colony of Puritans at Midway in St. John's Parish (afterwards Liberty County) some few miles south-west of Savannah, and there engaged in the practice of his profession. From his arrival he was prominent in the public life of the community and was among the first of the "Patriots" to advocate strenuously the participation of Georgia in the revolt against Great Britian. He was the only representative (an unaccredited delegate) from Georgia in the first session of the Second Continental Congress in 1775; (Georgia was unrepresented in the First, 1774). He was regularly appointed one of the delegates to the second session, signed the Declaration of Independence and was one of the leaders in the earlier part of the Revolutionary struggle in the State. His property destroyed or confiscated by the British in 1778, he was driven from the State but returned in 1782, locating first in Savannah and later in Burke county near Augusta. In 1783, in his 59th year, he was elected Governor of Georgia.

A distinguished New Englander, Charles Eliot Norton, in writing of Harvard (Four American Universities, 1895) remarks:

“Obvious as it is that the successful working of a democracy is dependent on popular education, it is no less plain that the quality and sufficiency of that education are dependent upon the superior institutions of learning.”

This is New England tradition and, with another, the necessary connection of school and church, it was held by Governor Hall. In his message to the legislature, July 8, 1783, he says:

“Every encouragement ought to be given to introduce religion and learned clergy to perform divine worship in honor of God and to cultivate principles of religion and virtue among our citizens. For this purpose it will be your wisdom to lay an early foundation for endowing seminaries of learning; nor can you, I conceive, lay better than by a grant of land that may, as in other governments, hereafter, by lease or otherwise, raise a sufficient revenue to support such valuable institutions.”

Probably in the pursuance of this suggestion, the legislature, in the following year, February 25, 1784, in the Act creating the two new counties of Washington and Franklin, to the north and west of Wilkes, provided:

“Whereas, the encouragement of religion and learning is an object of great importance to any community and must tend to the prosperity, happiness and advantage of the same—the County Surveyors, immediately after the passing of this Act, shall proceed to lay out in each

county twenty thousand acres of land of the first quality, in separate tracts of five thousand acres each, for the endowment of a college or seminary of learning and which said lands shall be vested in and granted in trust to his Honor, the Governor for the time being, and John Houston, James Habersham, William Few, Joseph Clay, Abraham Baldwin, William Houston, Nathan Brownson and their successors in office, who are hereby nominated and appointed Trustees for the said College or seminary of learning and empowered to do all such things as to them shall appear requisite and necessary to forward the establishment and progress of the same, and all vacancies shall be filled up by the said Trustees."

At this point there occurred a slight "hitch" in the proceedings. On March 5, 1784, Messrs. Few and Brownson (members of the Assembly) presented the Act to the Governor and Council and requested warrants for the lands in question. They were informed that, by resolution of the Council of March 2, "No land can be granted or warrant issued before the 1st Tuesday in April next when a Land Court shall be opened in Augusta." Evidently, some one immediately "got busy," anticipating perhaps what actually happened when the Land Court was opened. For, on March 11th, the Council "reconsidered the matter" and "are of opinion that it was the intention of the legislature to discriminate and give preference to this survey of all others," and ordered the Secretary of State to make out eight warrants, four of 5000 acres

each in Franklin county and four in Washington. The surveys were made and the warrants issued and duly filed in the Land Court under the designation of "college lands" (a name still applied to some of the lands of the original grants). It will be observed that, while Governor Hall's message recommends "seminaries," this Act provided liberal endowment for "a seminary," and clearly quite different in character from those he probably had in mind. Gov. Hall and Dr. Stiles were contemporaries, born in adjacent settlements in Connecticut and class-mates at Yale. It is known that they were in correspondence in 1783 with reference to education in Georgia. The circumstances of Baldwin's coming to Georgia have been reviewed in a previous chapter. It is most probable that Baldwin, although but a few months in the State, had part in the framing of this provision of the Act. Of the seven Trustees named, the two Houstons and Habersham were born in Georgia, Baldwin and Brownson in Connecticut, Few in Maryland and Clay in England. Baldwin and Brownson (a former physician in Midway) were college graduates (Yale); the Houstons, sons of Sir Patrick Houston, a Crown officer of the Province, were said to be of "liberal education;" and William had studied law in London and been admitted to the Inner Temple. Few, although a member of the bar, had probably no other education than that of the elementary schools. Habersham and Clay were planters and prominent merchants in Savannah, the one the son and the other

the nephew of James Habersham the elder, who was one of the early settlers under Oglethorpe, prominent in the affairs of the Colony and the Province, friend to Sir James Wright, the Governor, and wise counsellor to the Province, dying at the outbreak of the Revolution and, in his time, perhaps the most respected and venerated man in Georgia. They were all men of the highest intelligence and character who had rendered signal service to the State (if we may except Baldwin who was a recent comer) and among the most substantial and patriotic public men of the day. It is not improbable that they were of Baldwin's selection. Lyman Hall ceased his public activities on expiration of his term as Governor and retired (in 1784) to his plantations in Burke county; otherwise, probably he would have been named among the Trustees.

The Act granting the Charter to the University was passed the following year, January 27, 1785, by the Assembly of which Baldwin was then a member. There can be no reasonable doubt that he was its author and draughtsman, although not of the Committee which reported it to the House. All the circumstances of his coming to Georgia point to this conclusion. He was more deeply interested in the measure than any other member of the Assembly and the most competent to frame it. Moreover, in his Diary for April 12, 1784, Dr. Stiles records, "A letter from Savannah in Georgia, 1 March. Assembly there recently granted fourty Thousand acres of land for an

University to be erected in Georgia, vested in seven Trustees—no Charter yet. Mr. Abraham Baldwin of Yale Coll. one of the Committee to lay out the lands sent to me for the plan of the College Charter or to draught a Charter & Constitution.” What reply, if any, Dr. Stiles made to this letter, or what suggestions, if any, he may have made as to the charter are not of record. On June 22, 1785, during a visit to New Haven (while attending Congress) Baldwin gave to Dr. Stiles a detailed account of “their College lately founded by the name of the Univ’y of Georgia to comprehend the whole of the Res Literaria in that State,” which Dr. Stiles records at length in his Diary. The endowment in land “in 8 five thousand acre Pitches” is described and the constitution of the Board of Trustees, including “Visitors in Law, but they have given this up to the Gov. & Council who are Visitors. They with the Trustees constitute the Senatus Academicus.” The powers and the duties of the Trustees are described.

“There is to be an Academy in each County. The Coll. Trustees have the appointm’t of the Praeceptors to each of these Academies. A Trustee is to associate with him several persons as Curators of an Acad’y and he with these is to rule and order the Academy. Thus the Coll. Trustees have the contrroll of all the Academies wh’h are to be so many Grammar Schools to fit youth for the University. Already three Acad’s are resolved on—at Savanna, Augusta, and ——— that at Augusta is formed where a fund of £5000

is raised and a Master provided at a sal'y of £200 p. an. & a house—he has 40 children.” (Presumably “pupils”?)

This extract is given somewhat at length because it is the only record extant of Baldwin's own explanation of the Charter. All the circumstances would seem to indicate beyond question that he alone was its author. Again, on December 24, 1787:—“Hon. Abraham Baldwin of Augusta in Georgia spent the evening with me. In May, 1785, he was elected President of the Univ'y in Georgia. Two Academies are already established in that State subject to the Trustees of the University. One at Augusta, another at ——. The Coll. to be built at Louisville 50 m. west of Augusta on Ogeechee river. In the two Academies about 15 youth are already advanced in Latin and Greek to read Virgil, Horace & Homer & Atkinsons' Navigation & are already fit to be admitted into College. But the classes are not yet formed in the College but will soon be & will be formed very much upon the N. Engl'd mode of College Education.” The conversation then turned to the subject of the new constitution. And, again on October 23, 1794:—“The Hon. Ab' Baldwin, Cong'm & Presid't of the Univ'y of Georgia visited me. They have opened six Academies in Georgia of Wh'h 3 flourish' all under the Presid't of the Univ'y which has the Superintend'y of the Literature of the State.”

The Charter of the University as drawn by Baldwin is a notable and historic document. He came to

Georgia evidently with the expectation of organizing and conducting a "college" similar to the institutions with which he was familiar in New England. He soon found, however, that conditions in Georgia were totally different from those in that older section of the country. To begin with, there was no material foundation—no endowment—for the proposed college and no resources from which it might be supplied excepting land, which was super-abundant in the cessions recently acquired from the Indians and in the ownership of the State. Doubtless he co-operated in, if he did not direct, the framing of the land-grant provision of the Act of 1784. In the interim between the passage of this Act and his entrance into the legislature in 1785, he gave careful study to the educational conditions in the State. He found that, while interest in and the necessity for education were constantly stressed by public men and in legislative acts; while desire for education probably existed to some great extent among the people; while material provision had been made for it in some measure in that in each county 1000 acres of land had been dedicated to the purpose (by the Act of 1777) and that the Constitution enjoined that schools should be supported at public charge; as a matter of fact *instrumentalities* for education were practically non-existent. The older Georgia had been swept clean of its institutions during the war. At its close some of the private schools were re-opened and the school master was re-instated at his tasks, particularly in the larger towns, as Sa-

throughout the country with the exception of a few
 and containing a "history" of the country. The
 first edition of the history of the United States
 was published in 1783, and the second in 1789.
 The third edition was published in 1795, and the
 fourth in 1803. The fifth edition was published
 in 1810, and the sixth in 1817. The seventh
 edition was published in 1824, and the eighth
 in 1831. The ninth edition was published in
 1838, and the tenth in 1845. The eleventh
 edition was published in 1852, and the twelfth
 in 1859. The thirteenth edition was published
 in 1866, and the fourteenth in 1873. The
 fifteenth edition was published in 1880, and the
 sixteenth in 1887. The seventeenth edition was
 published in 1894, and the eighteenth in 1901.
 The nineteenth edition was published in 1908,
 and the twentieth in 1915. The twenty-first
 edition was published in 1922, and the twenty-
 second in 1929. The twenty-third edition was
 published in 1936, and the twenty-fourth in
 1943. The twenty-fifth edition was published
 in 1950, and the twenty-sixth in 1957. The
 twenty-seventh edition was published in 1964,
 and the twenty-eighth in 1971. The twenty-
 ninth edition was published in 1978, and the
 thirtieth in 1985. The thirty-first edition was
 published in 1992, and the thirty-second in
 1999. The thirty-third edition was published
 in 2006, and the thirty-fourth in 2013. The
 thirty-fifth edition was published in 2020.

vannah and Augusta. In the great upper counties, however, there had been—as has been previously noted—practically a new and original settlement by pioneers and frontiersmen. Here was the great bulk of the present population and the largest and most rapid increase foreshadowed. Here there were practically no schools at all, or certainly very few, of any description. In the State as a whole then, of elementary schools there were a few; of secondary or “Grammar Schools” to fit the youth for “College” there were none. If a genuine College had been opened in Georgia in 1785 there would have been very few students fitted to enter its doors. Moreover, it would be many years before the land-grant endowment could be expected to yield a revenue sufficient for its needs. Under these circumstances Baldwin conceived the great Idea. He would organize, not a “college,” which was impracticable, but a complete and unified *educational system* for the State, or, as he expressed it, “one general and complete establishment,” by the State controlled and by the State supported. The opportunity was unique, such as was afforded by no other of the thirteen American States. There was no educational tradition to be observed or opposed; there was no “ministerial” class assuming to direct and control educational efforts; there were no existing institutions to offer rivalry or opposition. It was a virgin field for educational experiment. The organization wisely conceived, the foundations securely laid, the system should develop normally and logically with

months and a half. In the past year, however, there has been a marked increase in the number of cases. This is due to the fact that the disease is now more common in the United States than it was a few years ago. It is now found in all parts of the country, and is especially prevalent in the South and West. The disease is caused by a virus which is transmitted by the bite of a mosquito. The mosquito which carries the virus is the *Anopheles* mosquito. This mosquito is found in all parts of the country, and is especially prevalent in the South and West. The disease is characterized by a high fever, which is usually accompanied by a headache, a sore throat, and a general feeling of malaise. The fever is usually of short duration, and is followed by a period of convalescence. The disease is usually fatal, but in some cases it may be cured by the use of quinine. The disease is now more common in the United States than it was a few years ago. It is now found in all parts of the country, and is especially prevalent in the South and West. The disease is caused by a virus which is transmitted by the bite of a mosquito. The mosquito which carries the virus is the *Anopheles* mosquito. This mosquito is found in all parts of the country, and is especially prevalent in the South and West. The disease is characterized by a high fever, which is usually accompanied by a headache, a sore throat, and a general feeling of malaise. The fever is usually of short duration, and is followed by a period of convalescence. The disease is usually fatal, but in some cases it may be cured by the use of quinine.

the development of the State. The people aroused to the need and value of education (which should be no difficult matter, considering the racial strains of the population), parental interest would care for the elementary training of the children and school-masters, doubtless, could be secured in sufficient numbers for the purpose. "Academies" or "Grammar Schools" would be established, supported by the State in sufficient numbers and in different parts of the State to supply "secondary" education and prepare the youth for college. A college—or, indeed, several colleges—might then be established to meet requirements as they arose and to crown the system. Baldwin evidently foresaw that the process would be slow and several years would be required to establish the system in all its branches. He interested himself, therefore, at the outset in securing the foundation of "academies" and no decisive steps to erect the "college" were taken until fifteen years after the granting of the Charter—in 1800. An unique feature was the absolute State control and State responsibility. The Board of Trustees was a State creation and a State agency, subject to accountability to the State alone. The University was a secular institution. With the experience at Yale fresh in mind, no "minister" of any denomination or sect was given place on the original Board of Trustees—nor, indeed, for many years after. The powers and the responsibilities of the Trustees were great. They were charged with responsibility for and the direction and control of the

entire "Res Literaria" (as Dr. Stiles expressed it) of the State.

In after years Baldwin's plan was modified in many minor and in some essential particulars. The establishment (in 1870) of a system of "public schools" ("common schools") gave State supervision and control of elementary education, but by independent Boards, and not through the University; High Schools were later included in the common school system and the "Academies" gradually passed under immediate local control. But the supervision and control of all other State supported institutions above the grade of the High Schools (and there are many) still (in 1926) rest with the Board of Trustees of the University. The University is the only agency known to the law competent and authorized to conduct the States' activities in higher education and it is so specifically indicated in the present Constitution of the State (adopted in 1877). Baldwin's Charter, in its prime essentials, still stands, the foundation and code of government of the first of the American State Universities, and it has served as a model for many subsequently founded.

As to the title. At the time "seminary," "college" and "University" were practically synonymous appellations of institutions of collegiate grade; "University," perhaps because those in England were collections of colleges. A "University" in the modern sense was, of course, unknown and unconceived. Baldwin's selection was a happy one, although for

many years many confounded the "University" with the "college." Whether he saw no distinction between "University" and "college;" whether he had in mind the English significance of a unified group of educational institutions; or whether he thought it appropriate to the *universality* with which it combined educational efforts, is not known. An interesting bit of history turns upon the last, possible, interpretation. The "youths" for whom colleges were erected in those days were, of course, young men; no particular consideration was given to the education of women. At one point in Baldwin's Charter it is enjoined that no person shall be excluded from the advantages of education in the University "on account of his, her or their speculative sentiments in religion," etc. Whether a slip or an intention—and rather indefinite at that—upon this "her" was based in later years a successful argument for the legal admission of women to the collegiate branches of the University. Several "Branches," exclusively for women, were established (the first in 1889) and finally in 1914 women were admitted to all the departments on the same footing as men.

The general purposes of the University system are set forth in a Preamble, the lofty sentiments and noble wording of which have been the subject of much admiring comment. "Civil order should be the result of choice and not necessity;" therefore, "much depends upon suitably forming the minds and morals of the citizens;" "among the first objects of those

who wish well to the national prosperity" should be "to encourage and support the principles of religion and morality, and early to place the youth under the forming hand of society that, by instruction, they may be moulded to the love of virtue and good order." Sending them abroad for their education would be unwise for several reasons stated.

While to Baldwin is, unquestionably, to be accredited the authorship of the Charter and general scheme of the University, it is to be noted, as indicative of the wisdom and far-seeing patriotism of his colleagues among the public men of the day, that he received their cordial cooperation and support and there is no record of a single vote being entered against his educational proposals.

The administrative machinery provided in the Charter was over-cumbersome and soon found to be impracticable of operation. Six new members were added to the seven Trustees of the land-grant endowment and these thirteen constituted the Board of Trustees of the University. A "Board of Visitors" was to be appointed (manner of appointment not indicated) and these, with the Trustees were to constitute a "Senatus Academicus," the governing body. How and when the Board of Visitors was "given up," as Baldwin expressed it to Dr. Stiles in June, 1785, is not known; but the Governor's Council was substituted which, in turn, was replaced by the Senate when the Council was abolished and the Senate created in the Constitution of 1789. In the course of time many

other changes were made in the number and tenure in office of the members and in the constitution of the governing body which today (1926) is the "Board of Trustees of the University."

The delay which Baldwin anticipated in perfecting the operation of the University system was greatly increased by a number of circumstances. Had he been permitted to give his undivided attention to the up-building of the system, matters might have been expedited. But, perforce—and fortunately for his State and Country—his talents and genius were diverted to the service of politics and statesmanship. His legislative duties at home demanded much of his time and thought and his absences from the State in attendance upon Congress were frequent and protracted. The cumbersome machinery of the Charter proved a drag on action. It was difficult to get a quorum of so large a body as the *Senatus Academicus* for transaction of business. The Records or Minutes of this body and of the Board of Trustees are scant and incomplete; but few have been preserved. But the history can be fairly well deduced from fragments of documentary evidence. There were many serious matters to engage the attention of the people of Georgia in those fifteen years between 1785 and 1800 when they were constructing the very foundations of the State. There were troubles with the Indians; there was serious trouble with the Federal government over Indian treaties; there was trouble over land grant speculations and land-grant frauds; there were political dis-

sensions and minor troubles innumerable to vex the souls and tax the abilities of the brave and patriotic men who were striving to build an Imperial State upon an Imperial domain. Small wonder—for all their appreciation of education—that no large amount of active interest could be secured for working out what must have seemed to many a somewhat grandiose scheme of public education.

Baldwin told Dr. Stiles that he was appointed President of the University in May, 1785. There is no record of this appointment having been made by the Board of Trustees at that time. By Act of the legislature of January 26, 1786, a town to be called "Louisville" was directed to be laid off in Burke county to be the future "seat of government and the University," and suitable buildings therefor were ordered to be erected. Louisville remained the Capital of the State until 1807 but—whatever the original intent—no buildings for use of the University seem to have been erected; it was given merely a nominal "seat" which it never occupied. On February 3, 1786, a new county, Greene, was created of a portion of Washington county. The most suitable location for the county site appeared to be on one of the tracts of the college lands which was in that locality. The legislature accordingly directed that, on 1000 acres of the tract, should be laid out the town of Greensboro to be the county site and the town lots sold, the proceeds to be credited to the University. On the same day, February 3, the Assembly passed a Resolution

(probably at Baldwin's instigation) politely requesting the Board of Trustees of the University to meet and proceed about their business. In response to this resolution a quorum of seven members (including Baldwin) was secured for a meeting on February 13, the first recorded meeting of the Board—one year, it will be noted, after the granting of the Charter. At this meeting Baldwin's appointment as President was confirmed and arrangements made for the care of such revenues as might arise from the leasing or authorized sales of college lands. So far as the records disclose no other regular meeting of the Board was held for 13 years. In the meanwhile the Academies were increased in number and their work enlarged. It became evident that the revenues, both of the University and the academies, were entirely inadequate to their support if derived only from their lands, in a territory where lands were still abundant and to be had for the asking; so, in the Constitution of 1798 it was provided, (Art. IV., Sec. 13):

“The arts and sciences shall be promoted in one or more seminaries of learning and the legislature shall, as soon as convenient may be, give such further donations and privileges to those already established as may be necessary to secure the objects of these institutions, and it shall be the duty of the General Assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.”

What "further donations and privileges" were given, or what the General Assembly did "at its next session" in obedience to this mandate, is not recorded.

The Trustees, evidently, had been neglectful of their trust. One of the eight tracts of the college lands had been located in the territory (then supposed to be in Franklin County) between the forks of the Tugalo and Kiowee rivers, conceded to South Carolina in the settlement of the boundary dispute by the Convention of Beaufort, April 28, 1787. It was provided in the settlement that any bona fide grants of land within this territory previously made by Georgia should be recognized as valid, provided that proper evidence were filed with the Secretary of State of South Carolina within twelve months of the signing of the Convention. The Trustees slept on their rights for twelve years, until 1799, and, in the meanwhile, the lands had been re-granted to individuals by South Carolina. There was some question later as to whether the proper claim had been filed at the proper time and the matter was taken up with South Carolina and in the Federal Courts, but the decisions were uniformly adverse to Georgia, and so the University lost one-eighth of its original patrimony.

By 1798 the town of Greensboro had been duly "laid out" and, in part, occupied. There was some desire that the University's "college" should be erected at this place and a meeting of the Trustees was summoned to consider the matter. After many delays a quorum was finally convened at Louisville,

the Capital, on January 15, 1799, followed by an assembly of the *Senatus Academicus*, the first and one of the very few meetings of that formidable body known to have been held. The proposal to erect the college was not acted on.

By 1800 Baldwin (then United States Senator from Georgia) had, evidently, concluded that the time had arrived when it would be judicious to erect the first college of his University system. He, therefore, secured a meeting of the *Senatus Academicus* at Louisville for November 28, 1800, at which more than the necessary quorum was present. It is worthy of note that, at this time, Baldwin was the only one of the original thirteen Trustees who was a member of the Board; all the others had either died or resigned and been replaced by others. At this meeting Baldwin urged the immediate location and building of the college—the funds in hand seeming to warrant and the number of students fitted to enter sufficient. He also proposed the election of a Rector or President and presented a complete curriculum of studies for the four college years. As was foreshadowed in the conversations with Dr. Stiles, this curriculum was “formed very much upon the New England mode of college education;” in fact, it was essentially that of Yale. The classics; and again the classics; Latin and Greek and Hebrew (eventually and optional); some mathematics; some philosophy; a little “natural philosophy;” orations, declamations, disputations (forensic and other); a minature Yale. One major departure:

From experience in Connecticut, Baldwin was wary of the "ministers;" while "religions and morality" were stressed no provision was made for "Divinity" or Theology. One minor addition: "A little French" (if one can be found to teach it); not as pedagogics perhaps, but remembering that he had "studied French" while Chaplain in the army—too, America's indebtedness to France. He also offered a list of books to serve as nucleus for the Library; the familiar tomes of Yale, with some more modern additions. Also a modest list of "philosophical apparatus" which might be had by importation from England. He further proposed that a "Professor" or teacher should be engaged at once to begin instruction of the students when a proper building was provided, and suggested for the position his friend Josiah Meigs of Yale, it being understood that the appointment would not be permanent until Prof. Meigs should visit Georgia and be found satisfactory. All Baldwin's proposals were approved, except that a "President" of the college was not elected but the position created and a salary attached.

There evidently was some rivalry among communities for location of the college, which the Trustees finally decided should be in Jackson County—recently (1796) cut off from Franklin—wherein was one of the tracts of the college lands. A committee of five (Baldwin being one) was appointed to make personal inspection of the locality and determine upon the site. The committee could not proceed immediately—

Baldwin, for instance, was called to the Senate in December. In the early summer of 1801, however, the localities were duly, and, evidently, carefully inspected and the permanent location was selected the latter part of July. The site chosen was upon land in what had been Jackson County, but was then Clarke, a new county created from Jackson while the inspection was in progress.

A member of the committee who shared with Baldwin great interest in the permanent location and opening of the college was John Milledge, then Representative in Congress and to be elected Governor the following year. Born in Savannah in 1757, in his childhood he was a protégé of James Habersham the elder, and received his early (and principal) education in Whitefield's "Bethesda" institution. Later, he studied law and was admitted to the bar. An ardent "Patriot," he was associated with the younger Habershams in the early Revolutionary disturbances in Savannah in 1775. He served with distinction throughout the war and, toward its close, in 1780, was appointed Attorney General of the State. He engaged actively in politics and became, successively, member of the Assembly, Representative in Congress, Governor and a Senator of the United States. He was a man of high character, energetic and forceful and deeply interested in education, remembering, no doubt, his own struggles with disadvantages in his early boyhood.

It so happened that the site selected by unanimous choice of the committee, as in every respect most suitable for the location of the college, was not upon the college lands but in private ownership. Milledge immediately offered to purchase the land, comprising some 633 acres, and donate it to the University. The Board of Trustees was summoned and met in September, when they confirmed the decision of the committee and accepted, gratefully, the donation of Milledge, ordered the land surveyed and laid out in appropriate town lots, reserving some 39 acres for the exclusive use of the college, named the village that was expected to grow up on the property "Athens" and christened the college "Franklin College". Prof. Meigs had arrived from New Haven and been found to be satisfactory. His appointment was confirmed and he was instructed to take such steps as might be necessary to provide suitable accommodations and to open the college at an early date. Baldwin then proposed that Meigs be appointed to the post of President of the college, which had been created the previous year, and this was agreed to. It is not quite correct to say that Baldwin "resigned" the Presidency of the University. He remained a member of the Board of Trustees and was its nominal Chairman until his death in 1807. The title of President—as of the college only—was given Meigs. Many years later (in 1859), on reorganization of the institution, the President of Franklin College was made "Chancellor" of the University, and, still later, a "President" for Franklin

college was appointed as for the other collegiate departments of the University and the Chancellor was charged with the duties and clothed with the powers assigned to the "President of the University" in Baldwin's Charter.

With the establishment of the college Baldwin's great scheme of the University was complete—in the rough. It is not proposed in this volume to relate in detail the further history of the University; that pleasing task, for which much material is available, must be left for other occasion or to other hands. Some little, however, may appropriately be herein briefly sketched. Baldwin displayed the sound judgment with which he is generally credited in his selection of the first President for the college. What was needed was a man qualified as to scholarship and educational experience, possessed of the physical strength and endurance, the energy and the determination of the true frontiersman. The location selected for the college was in what was well-nigh a primitive wilderness, a territory that had been in the nominal possession of the white man for less than fifteen years, sparsely settled as to whites and still occupied by roving bands or small settlements of the aborigines, the boundary line of the possessions within the State still held by the Indians scarce a dozen miles away. Distant some 250 miles from the coast and more than a hundred from any considerable town or any of the academies designed to fit the youth for college; with communications irregular and difficult, over roads

which were little more than the original Indian trails; the college site was, indeed, upon the very frontier of the white man's civilization. The physical factors which had determined the location were the beauty and healthfulness of the terrain; a "rolling" country of hills and valleys, the "foot-hills" of lofty mountain ranges within actual view in favoring weather; well wooded and well watered by original forests and numerous streams of pure water springing in abundance from crystalline, granitic rocks; and a climate superb in its salubrity, subject to excesses of neither heat nor cold. Aside from these suitable natural provisions, there was small warrant for erection of a college upon the site, other than a sublime optimism, faith and vision concerning the future of the State it was to serve.

Josiah Meigs, son of a hatter and descendant of Puritan immigrants of 1640, was born in Middletown, Connecticut, August 21, 1757. He entered Yale and was graduated therefrom in 1778. At the time Baldwin, three years his senior, was tutor in the college and Meigs was partly under his tutelage. Among his class-mates were Noah Webster and Joel Barlow. In his classes he was particularly distinguished in mathematics and natural philosophy. After graduation he taught school and was appointed Tutor in mathematics in Yale in 1781, in the meanwhile studying law, being admitted to the bar in New Haven in 1783. In 1784 he resigned his tutorship and until 1789 operated a printing office, editing and publishing the

“New Haven Gazette,” serving at the same time as City Clerk of New Haven and delivering numerous public philosophical lectures and orations which were highly commended. The latter part of 1789 he migrated to Bermuda and engaged in the practice of law. While there he became noted and somewhat obnoxious to the authorities by reason of his vehement defence of American seamen who had been imprisoned by the British on charges of violating certain navigation regulations. In 1794 he returned to Connecticut and shortly thereafter was appointed Professor of Mathematics and Natural Philosophy in Yale, in succession to Professor Strong. This position he held, with somewhat precarious tenure, as will be seen, until he was called by Baldwin, in 1800, to be Professor of Mathematics, and then President of Franklin College—or, as his wife expressed it—“was exiled from his native State to the backwoods of Georgia only 12 miles from the Cherokee Indians.” Meigs was a man of superb physique, great physical strength and vigorous health (it was said that the only illness of his life was the fatal one at the age of 65), of untiring energy and dauntless enthusiasm. Strictly Puritan in character he was positive and tenacious in his convictions, and, unhappily, somewhat given to unnecessary contentions in their support; he was an intense sympathizer with the revolutionary movements in progress in France and was an early and ardent supporter of the “Republican” principles of Thomas Jefferson. His political opinions and expressions, in-

deed, had led him into trouble at Yale, where they conflicted with the ultra-federalist sentiments of Timothy Dwight (who had succeeded Dr. Stiles as President of the college) and caused him to relinquish his professorship and submit to "exile," as Mrs. Meigs declared "for no earthly reason but his stern democracy."

Arriving in Athens in 1801, Meigs (at the age of 44) proceeded immediately to "erect" the college in the "back-woods." There were, perhaps, not more than three or four residences of white men in the vicinity. With such labor as could be secured (chiefly slaves) and partly with his own hands, timber was felled and a log cabin erected and the college opened. Within a few months, following some small financial aid from generous friends of the college, bricks were baked from an excellent quality of clay in the neighborhood, lime was brought by Indians from the Cherokee country (there was no limestone near Athens) through the good offices of his brother (Col. Return Jonathan Meigs) who was U. S. Commissioner to the Indians at Hiawasse, Tennessee; nails and tools were transported from Augusta, and a substantial brick building was erected, an exact replica of the familiar dormitories at Yale. This building (restored) still stands (1926) as "Old College" upon the original site in the centre of the modern University's Campus. Somewhere and somehow he recruited a body of students for the college to the number of 30, and somewhat later of 40, who, with the assistance of a tutor or

two (somewhere and somehow secured), were duly instructed "according to the New England mode of College education;" and on May 31, 1804, there was graduated—actually graduated—a class of ten, at a "Commencement" observing all the formalities of similar functions at Yale, with processions, declamations, orations (Latin, Greek and English), disputations (forensic and other) and the dignified conferring of degrees, in the presence of an awed assemblage of the "back-woods" men and Indians of the vicinage. It is true the exercises were conducted under a "bush arbor" (which was duplicated for the Centennial Commencement in 1904), but they were none the less impressive on that account. "Thus," wrote Charles Meigs (Josiah's son), who was a student in the college at the time,

"the high-sounding songs of Homer; the sweet notes of Virgil, the stirring narratives of Xenophon and Caesar, the denunciations, the suasions, and the arguments of Tully, heard no more in the land of the philosopher, were familiar sounds on the air of Athens, close by the frontiers of the savage Creek and the gallant Cherokee."

And Meigs, himself wrote:

"We have lately got an excellent bell which is heard four or five miles around, and the Quadrupeds, and the Bipedes too, few of whom ever heard a bell before, prick up their ears in amazement at the Prodigy."

Romance! In all the history of educational endeavor, surely there is no more interesting or romantic epi-

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sode than this of the founding of Franklin College.

By 1806 President Meigs was able to report the college to be in a flourishing condition, with increased number of students, and that a number of the town lots in Athens had been sold to an excellent class of settlers. (The Census of 1810 gave to Athens, including the college, a population of 135 whites).

It is scarcely credible that, in these years of his arduous and successful labors, Meigs was not in communication with Baldwin, either by letter while the latter was in Washington, or personally on the occasions of his periodical returns to the State. There is no written evidence (letter or otherwise) extant of such communications, but it is inconceivable that Baldwin should not have been deeply interested in the progress of the college and have tendered Meigs assistance, encouragement and advice.

Abraham Baldwin died in 1807. With him, very nearly died his child, the University. Modelled, as to the college department, after Yale, its history, in part, was similar to that of Yale. "Politics" and "religion" had nearly wrecked Yale in 1766; "politics" and "religion" nearly wrecked the University in 1808. In neither case were these concerned with the academic work of the institution; in both they were directed to the administration.

Meigs was, as has been stated, an ardent Jeffersonian "Republican" in politics; in religion he was of the straitest sect of the Puritans. The Georgians, at the time of the adoption of the Constitution, were, as

a rule, strongly "federalist" in their political opinions. A little later the controversies with the Federal government and the spread of the Jeffersonian doctrines led to the formation of two strong political parties in the State. The stronghold of the Federalist party was in the upper section of the State wherein the college was located.

The earnest efforts of Hall, Baldwin and others to encourage "religion" and religious observances among the people through organizations ministered to by "learned clergy and ministers," prepared for their office in appropriate "seminaries of learning," had largely, and naturally, failed. Only in the lower and older counties and in the larger cities and towns had congregations of Episcopalians, Presbyterians and Congregationalists been established to serve the religious needs of the people; of these, in the upper, newer counties there were very few. Following closely the original settlers there came to the "backwoods" men of Georgia, as to those of the Carolinas and Virginia, a number of zealous missionaries of the "Baptist" faith, who, by appeals, emotional rather than intellectual, strove, with vigor and some considerable success, to curb the irreligion, immorality and licentiousness which were rife, and to establish among them some sort of public religious observance. The seed of Methodism, which John Wesley had planted in Savannah, had sprouted and borne abundant fruit, and many devout and earnest men felt the "call" to religious ministrations and joined their Baptist breth-

ren in their emotional appeals. In their religious affiliations (nominal, at least) the people of the upper counties were, overwhelmingly, of the Baptist and Methodist persuasions. There is, of course, no valid reason why differences in political opinion or religious faith should create antagonisms between individual men; and yet, human history shows that there are no more potent or more usual causes—happily, we may hope, diminishing. Personal temperamental differences, perhaps, are developed by adherence to varying opinions and beliefs.

In 1803 the Board of Trustees, finding it difficult to secure meetings of the Board, appointed a “Prudential Committee” to act for the Board in case of emergency and “to advise with the President at all times in the interests of the college.” This latter was a well-intended but liable to be (as it proved) a dangerous proposition, involving possibility of conflict in authority. The three members of the Committee in 1808 were residents of Athens or the vicinity, and the chairman (one of the early settlers of Athens) was a remarkable and forceful personality of enormous energy, generous and philanthropic and of great local reputation. Like the other members of the Committee he was a “federalist” in politics, and he was one of the most eloquent and appealing ministers

of the Methodist Church. One who knew and loved him said of him :

“He was the founder of Methodism in this section. known under the appellation of “Broad Axe” . . . because of the mighty power that attended his ministry He was one of nature’s orators—his words rushed upon his audience like an avalanche, carrying multitudes before him.”

The inevitable happened. If Baldwin had lived, perhaps he might have been again the Peace Maker. In 1808 the number of students in the college had decreased from a prior maximum of 40 to 13, and the Trustees were moved to institute an investigation into the causes. This soon developed the antagonism existing between the President and the Prudential Committee, personal and in no wise related to the educational work of the college. Puerile charges of “damned Tories” and, therefore, dishonesty on the one hand, and of “unfit moral character,” conducive to improper discipline, on the other, were embodied in solemn affidavits which exhibited the bitter and personal character of the bickerings (for, of course, all parties concerned were honorable and honest men), and of the causes, of which, perhaps, the participants were unconscious and certainly would not have acknowledged. Propinquity and difference in personal temperament. The up-shot of the matter was

that Meigs was deposed from the Presidency in 1810, retaining his professorship*, of which he was also deprived in 1811—once again exiled because, in part, of his “stern democracy,” and his unfortunate manner of proclaiming it.

Most probably Meigs was chief aggressor. The positiveness of his convictions, his fiery disposition and the lack of control of his expressions when excited, together with his previous history, would indicate it. But that he was not solely at fault seems also true. Some years later an alumnus and Trustee of the college (Wm. L. Mitchell) in eulogizing Meigs said: “He resigned, because the good people of Georgia, led astray by misrepresentations, mistook the man, traduced his character and forgot themselves.” And a successor in the Presidency (Dr. Church) said:

“Few men labored with more untiring zeal and unremitting industry than this faithful pioneer in the cause of learning in our State. The only failure on his part was a failure to accomplish the impossible—to build up a flourishing college without means; like the Israelites, to make bricks without straw.”

In any event, the growth of the college would have

* The writer ventures to note a small matter which interests him personally and illustrates the up-to-dateness of the Trustees of the “back-woods” college, and the attitude of the “New England mode of college education” to innovation. Among the subjects directed to be included in Meigs’ professorship was “Chymistry.” This, he evidently considered as adding insult to injury and bitterly denounced an attempt to associate him with “cabbages and turnips.” There were not many Professors of Chemistry in American (or other) colleges in 1810; Davy’s “Agricultural Chemistry” was published in 1804, and from it, possibly, some progressive planter-Trustee had derived his conception of the science.

been slow with the insufficiency and uncertainty of its finances, the inaccessibility of its location and the small number of students annually prepared and desirous to enter college. Lacking an energetic head it was doomed to stagnation.

When the torch of Intelligence which Josiah Meigs had kindled so valiantly in the wilderness, had held aloft so bravely and viewed so hopefully, fell from his discredited hands it was well-nigh, but not quite, extinguished; it glowed, but with unequal and fitful flashes for a number of the succeeding years. No one could be found competent or willing to succeed him. Numerous declinations, occasional make-shifts, recurring vacancies, for many years. One noble soul (Finley) essayed the task, found it hopeless and died, a sacrifice, within the year. Another (Waddell) blew the torch to increased brilliance, promising of permanence, when he, too, relinquished the task as beyond his powers. Another (Church), patient and determined, held firmly the torch for 30 years, during which the college steadily but slowly grew, despite constantly recurring political and religious (sectarian) struggles for its dominance and control; until, at last—but for other causes than these—it fell again, seemingly to final and complete extinction.

Meanwhile, amid the administrative troubles, political, religious, personal and other, the college was fortunate in that it secured the services of many able—and some eminent—scholars as teachers and Professors to fill its academic chairs. It is these, indeed,

who constitute the real worth and make the reputation of any institution. It was these who kept aflame, through all these years, the only torch alight within the commonwealth. These were the true heroes and martyrs of the early struggle for higher education in Georgia—many now, unhappily, unknown or unremembered. The youth instructed within the college were, for their times, well-educated men, who subsequently manifested the value of their training. From the immortal ten of the “bush arbor” graduation, to those of a half-century later who went forth to battle for their State and returned to rescue it from devastation, the alumni of Franklin College, relatively few in numbers as they were, were the acknowledged leaders of their people in all worthy and patriotic service. The college supplied by far the large majority of the men who were leaders in the material, intellectual and spiritual growth of Georgia.

After Hall, Brownson, Baldwin and Meigs, no man of Yale was ever conspicuously connected with the University. But all (but one) of Meigs’ immediate successors were New England born, and all were New England bred. The “New England mode of College education” had been continuously that of Franklin College. In the course of time and, particularly, as the political relations of the “North” and “South” became acutely strained, a number of the youth of Georgia and the Southern States resorted to old William and Mary and to that newer

institution, of similar methods and ideals, Thomas Jefferson's University of Virginia (1825), rather than to the New England colleges for their collegiate training. Returning home, they brought with them the new ideals in college education. Moreover, these two institutions began to furnish teachers for the schools and scholarly professors for the colleges of the South. Some, of distinction, came to Franklin College and found ready cooperation of many of their colleagues in establishing an academic atmosphere to which much of the New England narrowness in curriculum and austerity and harshness in discipline were repugnant. A last, determined stand for the "New England mode" was made by the President (Church)—and successfully—but it demoralized the institution, caused the loss of its Faculty, depleted its halls and very nearly involved complete disaster. On the resignation and death of the President shortly after, the college was completely reorganized. Recognizing the superior suitability of the methods and ideals of William and Mary and the University of Virginia to the temper and spirit of Georgia youth, the "University" was revived and reconstructed, much upon the model of these institutions; a Chancellor chosen and a Faculty selected (including some of the former members) in sympathy with the new ideals; the responsibilities, duties and privileges of the ancient charter re-assumed, and the University set upon the path which led, with relative rapidity, and notwithstanding some early reverses due to a period of Civil War,

to its present magnitude and high station of usefulness and repute.

Many incidents connected with the early history of Franklin College are recounted in A. L. Hull's "Historical Sketch of the University of Georgia," to which indebtedness is acknowledged.

CHAPTER VI.

PRIVATE LIFE AND CHARACTER.

Of Baldwin's life, other than the political, very little can be learned from contemporary records. He was engaged in teaching at Yale until, at the age of 31, he removed to Georgia and, thereafter, except for a few months, was continuously in political service. He was purely a teacher and a statesman. There is no evidence (which has been sought for) that he was interested in any agricultural or business enterprises in Georgia, or engaged in land speculation, or enjoyed any considerable practice at the bar. He inherited no patrimony, and his income probably was largely derived from his official salaries. What these were cannot be ascertained with exactness, and, in the case of those paid by Georgia, they were often uncertain and deferred. There are numerous entries on the Journals of the Georgia Assemblies of small amounts paid him for his services, as legislator and Delegate to the Continental Congress, and, just as frequently, of amounts due him and unpaid. The salary paid (or authorized to be paid) legislators and delegates was apparently not more than \$3 per day of actual attendance, with the necessary expenses of travel. In 1809, two years after his death, a claim was presented by his heirs to the Georgia legislature for a considerable sum still due him for his services. It is regrettable to record that the House resolved

“that there are not sufficient vouchers before them to authorize an appropriation in favor of the claimants.” His fine sense of integrity in financial matters is disclosed by an entry on the Journal of the House of date December 4, 1789: “It appears that Mr. Baldwin left the State some time in February, 1787, on his way to Congress without any advances, which, though usual, was voluntarily relinquished by him as the paper money had been lately introduced into circulation and the advances must have been made on the part of the State at a very great loss.” The same entry states “It appears that a considerable balance is due Delegates for their services in Congress which, in justice and honor the State is bound to discharge in the most speedy and effectual manner.” It does not appear, however, that the balances were ever discharged, either speedily or effectually. The financial situation in Georgia at the time was one of great confusion, owing to the issuance of paper money, tardiness in collection of taxes and other causes; and the State Treasury had little ready money at its command. The salary (“wages” they were termed) of a Congressman, paid from the Federal Treasury, for the greater part of Baldwin’s terms (it was somewhat increased in the later years) was \$6 per day of actual attendance, with \$6 per day allowance for time of travel to and from the seat of government. (“Twenty miles per day” was computed as the rate of travel!). With this meagre income Baldwin’s private life must have been one of extreme frugality

and simplicity. And yet, he was generous and philanthropic to a degree. It is reported that "after the death of his father, in 1787, he contributed to the support and education of his six half-brothers and sisters," and "he helped many young men to an education." He never married and left practically no estate.

Of his physical appearance there are no written records. Robert Fulton (of steamboat fame), engineer and inventor, had been a portrait painter before he became an engineer. He had been in Paris for several years demonstrating his inventions of the submarine and the torpedo to Napoleon and the French government. There he met and became intimate with his fellow American, Joel Barlow. At the latter's suggestion he returned with him to America in 1805, hoping to interest the American government in his inventions. The two were frequently in Washington and there, on one occasion, Fulton painted a portrait sketch of Baldwin. The portrait has been lost, but a sepia drawing copy was made of it by Emmanuel Leutze, which was preserved and is now in the possession of the Historical Society of Pennsylvania. From this all existing portraits of Baldwin have been made. (See Frontispiece).

The character of the man is, perhaps, quite fully disclosed in his political career. Few contemporaneous accounts are extant. In his "Sketches" Major

Pierce says:

“Mr. Baldwin is a Gentleman of superior abilities and joins in a public debate with great art and eloquence. Having laid the foundations of a complete classical education at Harvard College (sic), he pursues every other study with ease. He is well acquainted with Books and Characters and has an accommodaing turn of mind which enables him to gain the confidence of Men and to understand them. He is a practicing attorney in Georgia and has been twice a Member of the Congress.”

Immediately after Baldwin's death Barlow prepared a somewhat lengthy account of his life and services dealing more largely in encomium than description, which was published in the “National Intelligencer” (March 7, 1807). In it he says:—“He lived without reproach and has probably died without an enemy. His private life was full of beneficence and charitable deeds.” Representative Macon (of North Carolina) said at his funeral, “He has not left his equal behind him in the United States.” His devoted friend, John Milledge, was with him at his death and sorrowfully relates that “his serenity, benignity, even his good-humor were with him to the last.” A number of brief sketches of Baldwin have been published since, dealing chiefly with the bare facts of his political career and, otherwise, based mainly, it would seem, upon Barlow's article. The sketch in the “National Portrait Gallery of Distinguished Americans” is practically a reprint of this. The several local historians of North Guilford (his birth place) add, “He

was a man of great industry and talent; of distinguished patriotism, learning and extensive benevolence." Georgia historians have referred to him (very briefly in most cases) as a man of high character, personal dignity and serenity and a valuable servant of the State. Col. C. C. Jones (Biographical Sketches) speaks in the highest terms of his abilities, his services and his lofty character. Richard Malcolm Johnston is quoted to have said of him, "He was the greatest man who ever lived in Georgia. In some respects he was superior to Jefferson. Justice has never been done to his great merits."

Baldwin died, after a brief illness, in Washington on March 4, 1807, in the 52nd year of his age. Congress had adjourned for the session but the previous day, and a number of his fellow Senators and Representatives remained to attend his funeral. An account of this is given by Barlow in a letter to his wife (March 6th), then in New Haven. In it he says:

"We laid him by the side of his friend, General Jackson, just one year after he had followed that friend to the same place. It was a dreadfully stormy day and five miles from the Capitol—yet everybody went that could go and I never witnessed such solemnity and respect.—The coffin—is placed in the ground in a large wooden coffer—where it will remain—so that, if we should have Washington's place, I shall propose to have it brought to our ground where we can have it always under our eye till we are ready to take our own lodging by his side."

The place of Baldwin's interment was evidently the old Congressional Cemetery, for there General Jackson was (and still lies) buried. On his return from France in 1805 Barlow was at the height of his fame (rudely shattered by subsequent critics) as poet and diplomat. It was in the year of Baldwin's death that he published his monumental poem, the "Columbiad," illustrated in part by plates drawn by Robert Fulton. He was possessed of very considerable wealth and purposed purchasing an estate near Washington, at first endeavoring to acquire Mount Vernon, George Washington's former home. Failing in this, on November 6, 1807, he purchased and took possession of a fine estate on the heights of Georgetown, which he named Kalorama. At Kalorama, on the banks of Rock Creek, he built a mausoleum or tomb bearing the inscription "Sacred to the repose of the dead and the meditation of the living." Evidently this was intended by Barlow as receptacle for the bodies of his own and his wife's families, and in it, doubtless, a number of them were placed and to it, most probably, Baldwin's coffin was removed. Marble slabs with suitable inscriptions were embedded in the walls. That bearing Baldwin's name was inscribed:

"His memory needs no marble;
His country is his monument;
Her Constitution his greatest work."

Kalorama and its surroundings, including the tomb, have long since disappeared, making way for the growth of the great City. Such bodies as the tomb

contained were removed and buried elsewhere. That of Baldwin (with others of the family) was re-interred in Rock Creek Cemetery which adjoins the former estate of Kalorama. A simple stone marks this final resting place bearing the inscription:*

Abraham Baldwin
Son of Michael and Lucy Baldwin
Of New Haven, Connecticut
Died a Senator in Congress from Georgia,
March 4, 1807.

There is no record in the Proceedings of Congress of any expressions of appreciation of Baldwin or of sorrow for his death. Formal Congressional "Eulogies", now so common, were then not usual. The Senate, however, ordered the payment of his funeral expenses. The Legislature of Georgia, July 10, 1807, unanimously agreed to the Resolution:

"That the members of this House, deeply regretting the loss which this State has sustained from the death of the Honorable Abraham Baldwin, late a Senator from this State in the Congress of the United States, do wear crepe on the left arm until the close of the present session, as a testimonial of their high respect for the deceased."

At the same session a new county was laid off in a central and one of the most beautiful sections of the State, to which it was unanimously agreed to give the name of "Baldwin." In happy recognition of

* A very interesting account of his "rediscovery" of Baldwin's grave is given by Dr. Lucien Lamar Knight, former State Historian of Georgia, in a paper presented to the Georgia Historical Society, April 19, 1919, and published in his "Memorials of Dixie Land," 1919, to which indebtedness is acknowledged.

the close association of the two men, the county site was named "Milledgeville" (subsequently the Capital of the State, 1807-1868) in honor of John Milledge. In one of Barlow's letters it is stated that the Board of Trustees of the University designed to erect at the University an appropriate monument to Baldwin and Milledge in recognition of their great services to the institution. No mention of this is found in the Minutes of the Board and, certainly, the monument was never erected. An indirect tribute was paid him by the University when, in 1809, Franklin College (at the suggestion of John Milledge, it is said) conferred on Joel Barlow the honorary degree of Doctor of Laws, the first bestowed by the institution. Baldwin's name (rather incongruously linked with those of ancient philosophers and poets) is inscribed on the frieze of the University Library (erected in 1905); an obscure, unpaven street partly bounding the original Campus of the University bears his name. So far as known these are the only existing material memorials to the man. He left no children to keep alive a public memory of an illustrious sire. No near relatives, so far as known, ever visited him in his adopted State and none of their descendants now there reside.

If posthumous fame is proper reward of worthy service, Baldwin has fared but ill at the hands of his countrymen. In its critical, formative period, he served his country constructively, conservatively and well. He was a great American.

The other question of the day was the one which was asked "What is the result of the war?" The answer was that the war had been a success. The Union was preserved, and the principles of liberty and justice for all were firmly established. The people of the United States were now free to live in peace and harmony, and to enjoy the fruits of the war. The war had been a great success, and the people of the United States were now free to live in peace and harmony, and to enjoy the fruits of the war.

It is important to note that the war was a success for the United States. The Union was preserved, and the principles of liberty and justice for all were firmly established. The people of the United States were now free to live in peace and harmony, and to enjoy the fruits of the war. The war had been a great success, and the people of the United States were now free to live in peace and harmony, and to enjoy the fruits of the war.

His services to his adopted State were no less valuable and conspicuous than those he rendered to his country. Though not born within her borders nor buried within her soil, he was a great Georgian.

Not the least of his public services was the founding of the First of American State Universities.

